

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-16.02.2023

CRM-M-45022-2022

Iqbal Mohammad @ Iqbal Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

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CRM-M-46864-2022

Gurpreet Singh @ Bholu.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

AND

CRM-M-48720-2022

Surinder Singh @ Shinda.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sant Pal Singh Sidhu, Advocate for
Mr. Ashok Giri, Advocate for the Petitioner
(in CRM-M-45022-2022).

Mr. Satibir Rathore, Advocate for the Petitioner
(in CRM-M-46864-2022).

Mr. A.D.S. Sukhija, Advocate for the Petitioner
(in CRM-M-48720-2022).

Mr. Shubham Kaushik, Assistant Advocate General,

Punjab.

JASJIT SINGH BEDI, J. (ORAL)

By this common order I shall dispose of all the aforementioned three bail applications as the same have arisen out from one and the same FIR.

The Prayer in the petitions under Section 439 Cr.PC is for the grant of regular bail in case FIR No.58 dated 6.8.2022 under Sections 399, 402 IPC and Sections 25/54/59 of Arms Act registered at Police Station Sadar Rupnagar, District Rupnagar.

The present FIR came to be registered at the instance of the investigating agency. As per the secret information received Parminder Singh @ Pindri son of Harmesh Singh, Baljinder Singh @ Billa son of Gulzar Singh, Gurdeep Singh @ Goggi son of Gurmukh Singh, Jaspreet Singh @ Makkad son of Daljit Singh, Gurpreet Singh @ Bholu son of Sant Singh (**petitioner in CRM-M-46864-2022**), Iqbal Singh son of Suleman (**petitioner in CRM-M-45022-2022**), Surinder Singh @ Shinda son of Gurjit Singh (**petitioner in CRM-M-48720-2022**) and Dara Singh @ Dara son of Sawran Singh were in possession of dangerous weapons and pistols. They were sitting under the bridge ahead of Mata Mansa Devi Temple and were planning to commit a big dacoity. If a raid was conducted, the aforesaid 08 persons could be arrested with deadly weapons and pistols.

Based on the said information the instant FIR came to be registered and accused came to be arrested.

The Counsel for the petitioner-Iqbal Singh contends that petitioner has been falsely implicated in the present case. The recovery of a

32 bore pistol and 05 live cartridges has been foisted upon him. Though there were 07 other cases registered against him, none were of similar nature. Since he was in custody since 06.08.2022, he was entitled to the grant of bail as none of the 11 prosecution witnesses had been examined so far.

The Counsel for the petitioner- Surinder Singh @ Shinda in addition submits that he is an accused in 02 other cases. One iron rod stands recovered from him. Since the petitioner had undergone a substantial period of custody and no prosecution witness had been examined, the petitioner was entitled to the grant of bail.

The Counsel for the petitioner-Gurpreet Singh @ Bholu contends that the petitioner is a convict in one case under Section 302 IPC. He is in custody since 06.08.2022. None of the prosecution witnesses had been examined so far. The recovery of a 315 bore pistol has been foisted upon him. Since the petitioner had been in custody since long and no prosecution witnesses had been examined so far he was entitled to the grant of bail.

The learned Counsel for the State with respect to petitioner Iqbal Singh contends that there are 07 other cases pending against him and, therefore, his criminal antecedents itself did not entitle the petitioner to the grant of bail.

With respect to the petitioner-Surinder Singh @ Shinda, he contends that there were 02 other cases pending against the petitioner and, therefore, he too, was not entitled to the grant of bail.

As regards petitioner-Gurpreet Singh @ Bholu it is the contention of the State Counsel that pursuant to the suspension of sentence

on 25.3.2019, the present FIR came to be registered against the petitioner. Further a recovery of 315 bore pistol has been effected from him. The conduct of the petitioner post his conviction did not entitle him to the grant of bail.

However, he fairly concedes that all the petitioners are in custody since 6.8.2022 and none of the 11 prosecution witnesses had been examined so far.

I have heard learned Counsel for the parties at length.

The veracity of the allegations against the petitioners shall be established during the course of trial. The witnesses in the present case are officials and the question of pressurizing them would not arise. The petitioners are in custody since 6.8.2022 and none of the 11 prosecutions witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded any time soon. As such the further incarceration of the petitioners is not required.

Thus, without commenting on the merits of the case, the aforesaid petitions are allowed and petitioners-**Iqbal Mohammad @ Iqbal Singh** son of Sh. Suleman, **Gurpreet Singh @ Bholu** son of Sh. Sant Singh and **Surinder Singh @ Shinda** son of Gurjeet Singh are ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing separately that they are not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioners (or any one on their behalf) shall

prepare a FDR in the sum of Rs.1,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

The Petitions stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

Feburary 16, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>