

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

CRM-M-57449-2023

Date of Decision:-20.11.2023

Gurpreet @ Nandu.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. V.B. Godara, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.004 dated 17.01.2023 under Sections 395, 397, 427 IPC and Section 25 of the Arms Act (later on Sections 326, 412 IPC added) registered at Police Station GRP, Hisar, District GRP Ambala Cantt.

2. The brief facts of the case are that the statement of one Gulab Singh was recorded to the effect that he was working as a taxi driver. On 16.01.2023 he received a telephonic call from a person who stated that he needed a car for going to Tohana. He (complainant) went to the railway station and near the main gate of the police post GRP, Jakhal he was met with by 06 young boys. The fare was settled at Rs.800/-. On the way one boy took out a pistol, pointed it at him and dragged him outside the car and started beating him with rods. He fell down and the iron rod blow struck his head. They also inflicted injuries on his hand and broke his mobile phone. Thereafter they took his car away towards the Chandigarh road. He managed to contact the police who got him admitted to Civil Hospital, Tohana where he was medico legally examined and referred to MAMC, Agroha. Legal action was sought.

Pursuant to the registration of the FIR, Sahil, Rahul, Gurpreet @ Nandu (petitioner), Lakhan, Vinod Kumar (since granted bail vide order dated 17.10.2023 in CRM-M-49397-2023), Harish @ Harsh (since granted bail vide order dated 31.08.2023 in CRM-M-31424-2023) came to be arrested. Sahil suffered his disclosure statement that he had planned to commit the offence along with his friend Harish @ Harsh. Harish @ Harsh was arrested on 17.01.2023 and got recovered the car in question. Sahil was arrested on 17.01.2023 and got recovered a desi pistol containing 02 live cartridges in the magazine and one in the barrel. Gurpreet @ Nandu was also joined in the investigation and got recovered a 315 bore *desi kata* with one live cartridge in the barrel and one live cartridge in his pocket. Rahul @ Chini was arrested and the recovery of *desi kata* 315 bore with one live cartridge was effected from him. Vinod @ Lakhan got recovered iron pipes and an iron punch was recovered from Nakul (since granted bail by the Juvenile Court). On the interrogation of Harish @ Harsh Section 412 IPC was added.

3. The learned counsel for the petitioner contends that he has been named in the disclosure statement of his co-accused. The recovery was planted upon him. As the petitioner was in custody since 19.01.2023, none of the 25 prosecution witnesses had been examined so far and he was a first time offender, he was entitled to the concession of bail, moreso as his co-accused had been granted the similar concession.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused have committed a grave offence. The allegations levelled against the accused including the petitioner did not entitle them to the grant of bail. He however concedes that the petitioner is a first time offender, in custody since 19.01.2023 and none of the 25 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 19.01.2023 and none of the 25 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required, moreso when his co-accused Harish @ Harsh, Nakul and Vinod have been granted the concession of bail.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Gurpreet @ Nandu** son of Sh. Tarsem is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case other than the cases mentioned this order.
10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 petitioner from Trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 20, 2023

Vinay

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