

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.60493 of 2022 (O&M)
Date of Decision: 09.02.2023**

Gurpreet Singh @ Gopi

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Rahul Arora, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

GURBIR SINGH, J (ORAL)

CRM No.50282 of 2022

Allowed as prayed for.

CRM-M No.60493 of 2022

The prayer in the present petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.154, dated 10.09.2022, under Section 115 read with Sections 302, 120-B of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station City Nawanshahr, District S.B.S. Nagar.

As per the allegations in the FIR, a secret information was received that Rohit Kumar @ Shamma, son of Sukhdev Singh; Om Bahadur @ Sahil, son of Hom Bahadur; along with their companions Rajinder Singh @ Nandi, Gurpreet Singh @ Gopi, Ranjodh Singh @ Jodha, Shashi Kumar and Rupesh Kumar, on instructions of Amritpal

Singh, who was residing in USA, in order to commit murder of some person, armed with illegal arms and ammunition were roaming in the area of Nawanshahr on Scooters and motorcycles. All the above persons were apprehended. The petitioner was apprehended along with one magazine of pistol and three live cartridges. Rohit Kumar was apprehended along with one country made pistol along with four live cartridges; Rajinder Singh @ Nandi was apprehended along with four live cartridges. During the investigation, the accused confessed that they were planning to commit murder of Gurpreet Singh @ Gopi, who was a prime witness in Sukha Kahlawan case on the instructions of Amritpal Singh and they were to collect ransom from the owner of Richi Travel after firing upon him. Further allegations are that on 10.09.2022, on the asking of Amrtipal Singh, the petitioner along with Om Bahadur had collected weapons from one un-identified person.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case. He is in custody since 10.09.2022. Only 03 live cartridges were recovered from him. No other offence is committed by him. The entire story is concocted by the police to keep the petitioner behind the bars.

Status report dated 31.01.2023 by way of an affidavit of Ranjit Singh, PPS, Deputy Superintendent of Police, Sub Division Nawanshahr, District SBS Nagar, Punjab on behalf of the respondent-State has been filed in the Registry of this Court and the same is taken on record.

Learned State counsel has opposed the prayer for grant of regular bail to the petitioner. He has fairly conceded that one magazine loaded with three live cartridges was recovered from the possession of the petitioner. He has submitted that the petitioner is an active member of an organized gang. The members of the gang also conducted the recce for committing the above-mentioned offence and also procured deadly weapons. He further submits that one more case is pending against the petitioner.

Learned counsel for the petitioner submits that the petitioner is already on bail in other case bearing FIR No.14, dated 07.03.2022, under Sections 336, 120-B, 34 of IPC and Sections 24, 25, 54, 59 of Arms Act, P.S. Ghall Khurd District Ferozepur. The said matter had been compromised. The petition for quashing of the above-said FIR has been filed in this Hon'ble Court and the same is pending. The Court had already issued directions to the parties to appear before the Illaqa Magistrate for recording of their statements.

I have heard learned counsel for the parties and perused the relevant material on record.

Keeping in view of the fact that three live cartridges were recovered from the possession of the petitioner, there is no other evidence against the petitioner except the disclosure statement made by him while in custody, which is hit by the provisions of Sections 25/26 of the Arms Act, he is in custody since 10.09.2022 and no offence is committed in pursuance of any meeting of mind of the petitioner and other person, the petitioner deserves the concession of regular bail.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

09.02.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No