

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-342-2023
Date of Decision:20.12.2023

Gurshinderjit Singh @ Gurshinder Singh ...Petitioner

vs.

State of Punjab ...Respondent

(ii) CRM-M-3852-2023 (O&M)

Surinder Singh ...Petitioner

vs.

State of Punjab ...Respondent

(iii) CRM-M-25817-2023

Gurpreet Singh @ Gopi ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Chander Shekhar Singh, Advocate
for the petitioner in CRM-M-342-2023.

Mr. Sultan Singh Gill, Advocate
for the petitioner in CRM-M-3852-2023.

Mr. Shekhar Verma, Advocate with
Mr. Brijesh Singh, Advocate
for the petitioner in CRM-M-25817-2023.

Mr. M.S. Bajwa, DAG, Punjab.

Ms. R.K Manaise, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-30100-2023 IN CRM-M-3852-2023

The application has been filed under Section 482 Cr.P.C with a

prayer to add the offence under Section 336 IPC and Section 27 of Arms Act in the headnote, prayer clause of the main petition.

I have heard learned counsel for the applicant/petitioner as well as learned State counsel.

For the reasons mentioned in the application, the same is allowed, the offences under Section 336 IPC and Section 27 of Arms Act are ordered to be added in the headnote and prayer clause of the main petition.

The Registry of the Court is directed to carry out the necessary correction in this regard.

Main case

1. This order shall dispose off three petitions i.e CRM-M-342-2023 titled as “*Gurshinderjit Singh @ Gurshinder Singh Vs. State of Punjab*”, CRM-M-3852-2023 **(O&M)** titled as “*Surinder Singh Vs. State of Punjab*” and CRM-M-25817-2023 titled as “*Gurpreet Singh @ Gopi Vs. State of Punjab*”, whereby the petitioners have prayed for grant of regular bail to them in case arising out of FIR No. 81 dated 11.07.2022, registered under Sections 387,307,34,120-B of IPC and 25/54/59-A of Arms Act and Section 336 IPC, 27 and 29-A of Arms Act added later on, Police Station Dera Baba Nanak, District Batala.

2. The FIR in the present case was registered on the basis of statement made by Palwinder Singh son of Amar Singh and the same has been reproduced below:-

“As per the contents of the FIR so registered on the statement of one Palwinder Singh that he has been running one Guru Nanak Hospital at Talwandi Rana. On 01.07.2022, he

received one phone call from Mobile No. 00601164376989 through whatsapp and the person calling introduced himself as one Toofan and demanded Rs. 5 lacs from him. He did not pay any importance to that. On 10.07.2022, he went to his village Pakhoke Mehmara from his hospital. At about 08:00 P.M, then he received a call from one Vijay Sewadar from his Hospital that at about 09:03 PM, two young men came on motorcycle from Fatehgarh Churrian side who were having muffled faces and they fired three shots on the gate of the hospital and same hit the glasses of the gate. Then he came to the hospital and then at about 10:05 P.M, he again got a call from the same number through whatsapp and he was told that now he has seen the trailer and he has been threatened and extortion money has been demanded from him”.

3. Learned counsel for the petitioners contend that the petitioners have been falsely involved in the present case, due to some family dispute. Learned counsel for the petitioner further contend that the petitioners were not named in the FIR and had no concern at all with the occurrence. In fact, Gurshinderjit Singh @ Gurshinder Singh, the petitioner in CRM-M-342-2023 was having a dispute with his in-laws regarding the suicide of his wife and the complainant, Palwinder Singh was pressurizing Gurshinderjit Singh @ Gurshinder Singh and Gurpreet Singh @ Gopi to depose as witness in favour of Surinder Singh. Consequently, a conspiracy was hatched and a extortion call was made from some unknown number and the FIR was initially registered against two unidentified persons. It has been further stated that the said two unidentified persons had fired at the clinic of the complainant,

however, no one had suffered injury in the said incident. Learned counsel further submitted that the complainant got the FIR registered against them by using his political connections. As per learned counsel, Gurpreet Singh @ Gopi, the petitioner in CRM-M-25817-2023 is in custody for the last about 11 months, petitioners Gurshinderjit Singh @ Gurshinder Singh and Surinder Singh in CRM-M-342-2023 and in CRM-M-3852-2023 respectively, are in custody for the last about one year and 04 months. Learned counsel further contended that the prosecution has intentionally not examined the material witnesses before the Trial Court and the trial proceedings have been unreasonably delayed, so that the petitioners may continue in custody for a longer period.

3. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners Gurshinderjit Singh and Surinder are involved in three more cases and Gurpreet Singh @ Gopi is involved in one more criminal case. Learned State counsel further submitted that the petitioners may not only abscond from the process of law, but may also threaten the complainant; in case, the petitioners are ordered to be released on bail and the material witnesses of the prosecution would not be able to depose before the Court and they do not deserve to be enlarged on bail, at this stage.

4. In reply to the submissions made by learned State counsel as well as learned counsel for the complainant, learned counsel for the petitioners have voluntarily offered that they would not enter the boundaries of Sub Division Dera Baba Nanak, District Gurdaspur, where the complainant and other material witnesses are residing and the complainant is running his clinic, till the examination of the private witnesses in the present case.

5. I have heard the learned counsel for the parties and perused the case file.

6. It is apparent from the record that the parties are related to each other and a dispute is already pending between the parties. Apart from that, even though two unidentified persons had fired shots at the clinic of the complainant, but no one was hurt in the incident. Still further, the petitioners have been continuing in custody for a very long period and further detention of the petitioners will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial on their furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavits before the

concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners are involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

(viii) That the petitioners will not enter the boundaries of Sub Division Dera Baba Nanak, District Gurdaspur, till the examination of all the private witnesses before the Trial Court. In case, the petitioners enter the boundaries of Sub Division Dera Baba Nanak till the examination of private witnesses, the bail granted to the petitioners shall be cancelled only on this ground.

7. In case, the petitioners violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(N.S.SHEKHAWAT)
JUDGE

20.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No