

CRM-M-10508-2024

Date of Decision: 05.03.2024

Gurpreet Singh @ Gopi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.30 dated 25.02.2022 registered under Sections 392, 506, 511 of IPC (Section 120-B IPC added later on) and Section 25 of Arms Act, 1959, at Police Station Beas, District Amritsar.

2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been falsely involved on the basis of the disclosure statement suffered by co-accused Sandeep Kumar. He further contends that the petitioner was arrested in the present case on 25.02.2022 and since then, he is in jail. Learned counsel further contends that similarly placed co-accused, namely, Hardeep Singh @ Heera, Balwinder Singh @ DC, Sarabjit Singh @ Sabbi have already been granted the concession of bail by this Court

vide orders Annexures P-3 to P-5. He further contends that the petitioner is on bail in all the other cases.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 11 other cases were ordered to be registered against the present petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner is in custody for the last more than 02 years. Even the prosecution has been able to examine only 8 witnesses, out of total 14 witnesses, so far. Apart from that, similarly placed co-accused, namely, Hardeep Singh @ Heera, Balwinder Singh @ DC, Sarabjit Singh @ Sabbi have already been granted the concession of bail by this Court, vide orders Annexures P-3 to P-5. Thus, the trial is progressing at very slow speed. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

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

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

- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves 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 petitioner.
- (viii) The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

05.03.2024.
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(N.S.SHEKHAWAT)
JUDGE

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