



CRM-M-22928-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22928-2024
Decided on : 27.08.2024

GURPAL SINGH ALIAS GOURAV

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.115 dated 20.07.2023 under Sections 302, 325, 323, 148, 149 IPC registered at Police Station Sadar Bathinda, District Bathinda (Punjab).

2. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and no specific role has been attributed to him. He also submits that the petitioner has been nominated on the basis of disclosure statement of co-accused. He further submits that the petitioner has already undergone an actual custody of 01 year and 30 days and there is no other case pending against him and co-accused has been granted concession of regular bail by this Court vide order dated 31.07.2024 in CRM-M-34922-2024.

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3. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year and 30 days and there is no other case pending against the petitioner. Moreover, on instructions he submits that charges are framed on 01.02.2024. The next date fixed before trial Court is 03.09.2024. He also submits that out of total 29 prosecution witnesses, only one has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 01.02.2024 and out of 29 prosecution witnesses only 01 prosecution witnesses have been examined. Co-accused has also been granted concession of regular bail by this Court vide order dated 31.07.2024 in CRM-M-34922-2024. The petitioner has undergone actual custody of 01 year and 30 days and he is not involved in any other criminal case.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.

(ii) The petitioner will not pressurize/intimidate the prosecution witness(s).



- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

27.08.2024
Kavita

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