

287 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25586-2024
Date of decision: 3rd July, 2024

Gurpreet Singh @ Gopi

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhinav Kalia, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
388	11.08.2019	Indri, Karnal	341, 397,307 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 10.08.2019 on receiving information about admission of one Naresh Kumar in Kalpana Chawla Medical College, Karnal, after sustaining some gunshot injury, a police party reached there. The injured was opined to be unfit to make statement. His brother Rajesh Kumar informed the police that his brother Naresh Kumar used to drive a truck bearing registration No. HR69B-6260 which had been taken by him on rent. On the night of 10.08.2019, he was taking the truck from village



Didwada for loading apples in Saharanpur along with his conductor Setu @ Sidhu @ Jagbir Singh. On the same night at about 11-11:30 PM, he received a phone call from one Raju that the victim was made to stop at Indri by 5-6 persons who came in a car. They had extended beatings to the brother of the complainant and the conductor Setu and after snatching their mobile phones and money, they had fired a shot with a firearm thereby causing injury in the abdomen of the victim. FIR was registered. Investigation proceedings were initiated. The injured subsequently made a statement alleging therein that his truck was stopped by a vehicle bearing No. HR56A-9717 which was driven by Balbir Singh, 4-5 persons had come out from the said vehicle and had snatched their mobile phones and his purse containing a sum of Rs.20,000/-. The petitioner and co-accused who were arrested in case bearing FIR No. 321 dated 11.09.2019 at Police Station Phillaur, suffered disclosure statements during investigation admitting their involvement in this case and on the basis of the same, they were nominated in this case as accused. Offences under Sections 307 and 392 of IPC were added. Offence under Section 395 of IPC was deleted. The petitioner was arrested in this case on 10.12.2019. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, he is facing trial. He had moved an application for grant of bail before the Court of learned Additional Sessions Judge, Karnal which was dismissed on 01.04.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in



this case. He was not named in the FIR. He was neither apprehended from the spot nor any recovery was effected from him. Co-accused Harpreet Singh has been extended benefit of bail by the trial Court and the co-accused Jaspreet Singh @ Jagpreet Singh has been extended the same benefit by this Court. On the ground of parity, the petitioner too deserves to be extended the same benefit. No test identification of parade of the petitioner has been conducted. The trial is likely to take time. His further detention would not serve any useful purpose. He is in custody for a period of more than four years and seven months. However, no prosecution witness has been examined so far. Therefore, it is argued that the petitioner deserves to be given concession of bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that the petitioner is a habitual offender, since as many as sixteen criminal cases, most of which are of similar nature are pending against him. There are chances of petitioner's absconding and committing similar offence again, if extended benefit of bail. The complainant and material witnesses are yet to be examined. The charges have been framed only recently. There is not going to be any undue delay in conclusion of trial. Fire arm injury on the person of the victim had been caused by non other than the petitioner. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.



6. The petitioner along with co-accused is alleged to have committed offence of robbery while causing fire arm injury to the victim on the fateful night. He is having criminal antecedents. As many as sixteen criminal cases of serious nature, most of which are pertaining to offence of snatching, robbery/dacoity are pending against him. The nature of the accusations as well as severity of the punishment are certainly required to be taken into consideration at the time of disposal of an application for grant of bail. The case of co-accused who have been extended benefit of bail cannot be stated to be at parity with the case of the petitioner since the allegations against him are more serious in nature. The apprehension that the petitioner may intimidate the witnesses if extended benefit of bail, cannot be stated to be unfounded. Keeping in view the nature of the allegations as levelled against him and the quantum of sentence which are conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |