

2024:PHHC:144278



CRM-M-28431-2024 (O & M)

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(224) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28431-2024 (O & M)
Date of Decision: 06.11.2024

Gurpreet Singh

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate,
with Mr. Harlove Singh Rajput, Advocate and
Mr. G.S. Dhillon, Advocate, for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this second petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.7 dated 08.01.2023 under Section 302, 34 IPC (Section 120-B IPC added later on) and Section 25 of the Arms Act, 1959, registered at Police Station Bhuna, District Fatehabad.

2. The present FIR came to be registered at the instance of Gourav Gaur and reads as under:-

“Statement of Gourav Gaur S/o Jaipal Sharma S/o Banarsi Dass, R/o Palsar, aged 23 years, Mob. No.9992170665. Stated that I am resident of abovementioned and is an agriculturist. I am only child of my parents and is unmarried. Today on

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08.01.2023, me and my father Jaipal S/o Banarsi Dass, R/o Palsar were warming our hands on the fire that was burnt outside the grocery shop of Mithu S/o Noora Ram, R/o Palsar which is near to our house, then at around 11 AM, one motorcycle came from Buthan side and two boys were sitting on it, one of them was Sukhpreet S/o Jasvir R/o Palsar whom I already know and one other unknown person who was riding the bike. That Sukhpreet after alighting from motorcycle has fired with the pistol that he was having in his hand into the chest of my father Jaipal. That after receiving the bullet injury, my father breathed last there. That after giving bullet injury Sukhpreet and unknown person ran away from motorcycle in the spot. I do not remember the registration number of motorcycle. After that me and my family after arranging the vehicle took my father to Government Hospital, Ratia for treatment and there the declared my father Jaipal dead. Sukhpreet along with his unknown companion has killed my father by firing upon him because of some old land dispute. You please take strict legal action against Sukhpreet and unknown person. I have given my statement in front of my uncle Harmesh Sharma S/o Banarsi Dass, R/o Palsar and same is read over and is correct. Sd/- Gourav Goad Harmesh Singh. Attested Anoop Singh SI/SHO, P.S. Bhuna dated 08.01.2023”.

3. During further investigation, the complainant-Gourav Gaur got recorded a supplementary statement to the effect that he had come to know that Sukhpreet @ Sukhu alongwith his co-accused Karambir Singh @ Bikar had conspired to commit the offence.

Karambir Singh @ Bikar was arrested and got recovered his

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mobile phone etc. He admitted to have conspired to commit the offence alongwith Sukhpreet @ Sukhu.

Sukhpreet @ Sukhu was arrested and admitted to have committed the offence. He stated that he had used the motorcycle of Gurpreet Singh (petitioner) while committing the offence of murder and that the petitioner was aware of the purpose for which the motorcycle had been taken. He also disclosed the name of Sukhchain @ Sukhi (since granted bail vide order dated 15.04.2024 passed in CRM-M-6505-2024) who had disclosed to him as to where the weapon of offence could be bought.

Thereafter, Sukhchain @ Sukhi was arrested and on 11.04.2023, the present petitioner was arrested. He also admitted that he had handed over his motorcycle to his co-accused knowing the purpose for which the said motorcycle was being taken.

The report under Section 173(2) Cr.P.C. was presented against Karambir Singh @ Bikar, Sukhpreet Singh, Sukhchain Singh @ Sukhi and Gurpreet Singh @ Kalu (petitioner).

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that taking the allegations to be correct, only the motorcycle of the petitioner was allegedly used in the occurrence. The statement made to the investigating agency by the main accused as also the petitioner that the petitioner was aware of the purpose for which the vehicle was being taken was inadmissible in evidence.

The co-accused Sukhchain Singh @ Sukhi had been granted the concession of

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bail. As the petitioner was in custody since 11.04.2023 and only 01 out of the 42 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded in the near future and therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, has filed a reply dated 04.11.2024 which is taken on record. While referring to the said reply, he contends that during the course of investigation it was revealed that the petitioner had handed over his motorcycle to the main accused who, thereafter, shot the deceased. The nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, concedes the petitioner had not caused any injury on the person of the deceased, that he was in custody since 11.04.2023 and that only 01 out of the 42 prosecution witnesses had been granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of Trial. The petitioner is stated to be in custody since 11.04.2023 but only 01 of the 42 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required, moreso, when a co-accused, namely, Sukhchain Singh has been granted the similar relief.

8. Thus, without commenting on the merits of the case, the present petition is allowed. The petitioner-Gurpreet Singh is ordered to be released on

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bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case(s)/crime other than the cases referred to in the petition.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 06, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No