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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33418-2024
Date of Decision: 04.09.2024

GURIKBAL @ GURIQBALPETITIONER

VERSUS

STATE OF PUNJAB
....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.0018 dated 08.10.2023 under Sections 115, 153, 153-A, 120-B IPC and Sections 25, 25(7) of the Arms Act (offences under Sections 17, 18, 20 of UAPA added later on and thereafter, Sections 115, 153, 153-A IPC and Sections 17, 18, 20 of UAPA deleted during investigation) registered at Police Station State Special Operations Cell, SAS Nagar District Intelligence Wing (CID).

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR. Three co-accused had been named in the FIR on the basis of secret information received by the police that they are members of a

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criminal gang and wanted to kill a retired police officer. The petitioner was arrayed as an accused on the basis of disclosure statement of co-accused Bikramjit Singh @ Raja, who was named in the FIR. No recovery of either firearm or any incriminating material had been effected from the petitioner. Learned counsel further submits that although FIR was registered under various Sections of IPC and Arms Act but offences under UAPA were added later. The offences under Sections 17, 18, 20 of UAPA were later deleted and in the chargesheet, the offences under UAPA do not find mention. The petitioner is in custody for about 11 months and is not involved in any other criminal case. Although charges have been framed, but no prosecution witness has been examined.

3. Learned State counsel upon instructions from SI Jagandeep Singh, Police Station State Special Operations Cell, SAS Nagar submits that the allegations against the petitioner are serious as he is connected with a criminal gang and if he is released on bail, he can influence the prosecution witnesses. However, he submits that the offences under UAPA were deleted and in the chargesheet against the petitioner, offences under UAPA also do not find mention.

4. Heard.

5. The petitioner was not named in the FIR whereas the other three co-accused were specifically named in the FIR. The petitioner was arrayed as an accused on the basis of statement of co-accused. No recovery of

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either firearm or any incriminating material had been effected from the petitioner. The offences under UAPA have been deleted and therefore, there is no requirement of meeting the twin conditions for grant of bail under UAPA as set out in Section 43-D(5) of the UAPA. Although charges have been framed but no prosecution witness has been examined. The conclusion of the trial is likely to take some time.

6. In view of the above, we deem it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

04.09.2024
Prince

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No