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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4672-2025

Date of Decision:31.01.2025

GURUPKAR SINGH @ GOLU VIRK

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.240 dated 03.08.2015, registered under Sections 307/452/323/427/506/120-B IPC read with Sections 25/54/59 Arms Act, Police Station Tripuri Town Patiala, District Patiala.

2. The FIR in the present case was registered on the basis of the statement made by Gurdip Singh s/o Tar Singh and the same has been reproduced below:-

“At this time a statement from Gurdip Singh s/o Tar Singh caste Jatt resident of House No.: 17A, Bhakra Enclave, Patiala Police



Station Tripuri Patiala aged about 31 years has been received to police station by hand of HC Sukhdev Singh number 1838, which was recorded by Vassdev Singh SI/A-SHO Police Station Anaj Mandi Patiala for registration of case against Gurupkar @ Golu Virk, Gurupdesh @ Gora Virk sons of Karnail Singh r/o near 'Panni Wali Tanki' Ranjit Nagar Patiala, Harvinder Singh alias Bhajan son of Harnek Singh resident of Deep Nagar, Patiala, Ginni Sekhon, Yadwinder Singh resident of Ranjit Nagar Patiala u/s 307,452,323,427,506,120-B IPC 25-54/59 ARMS ACT, which is as infra," Statement of Gurdip Singh s/o Tar Singh caste Jatt resident of House No.: 17A, Bhakra Enclave, Patiala Police Station Tripuri Patiala aged about 31 years. Stated that I am resident of above noted address and doing business as property dealer. Today time would be about 10.00 PM, I came to meet my friend Rishi Goyal in connection with some personal work. As Rishi Goyal was not available, therefore, I was sitting in the Karyana shop of Yashpal Goyal, who is nephew of Rishi Goyal and was talking with Yashpal Goyal. In the meantime, we heard the noise of a fire shot from the office of Rishi Goyal situated in the adjoining street. When I and Yashpal Goyal came out of the shop of Yashpal Goyal and started going toward the office of Rishi Goyal, then, from the side of above said office of Rishi Goyal, Gurupkar Singh @ Golu Virk, Gurupdesh Singh @ Gora Virk sons of Karnail Singh r/o near Panni Wali Tanki, Ranjit Nagar Patiala and Harvinder Singh alias Bhajan s/o Harnek Singh r/o Deep Nagar Jhill Road Patiala, who were known to me earlier, while armed with pistols came and asked Yashpal Goyal about his relations with Rishi Goyal. They also said that today we will kill Rishi Goyal. Thereafter after extending threats, all the above said persons went towards factory Area, in a car bearing Registration No. PB-11-AW-7448, make 1-20 of Silver Colour. Then, Chet Raj servant of Rishi Goyal came in to the shop of Yashpal Goyal and told to me that I was sitting in the room adjoining to the office and



kitchen of Rishi Goyal. Then, three persons, who were carrying pistols in their hands came there. One of the those persons gave slap to Chet Raj and inquired about Rishi Goyal. Due to fear, Chet Raj run towards another room in the office and one of the above said persons fired a shot towards me, with an intention to kill him, but, I managed to escape after immediately entering the kitchen. When, we all the three went into the office room, we found that the accused persons went into the office room, we found that the accused persons had broken the table and one shot hit the wall after crossing the chair. When they were just to go for informing the police, one Mohinder Singh @ Mammu son of Jamal Singh resident of r/o House No.23, Friends colony Patiala came before us and told that in the morning time, I had gone to Punjab Medical Hall Rajindera Hospital, Patiala for purchasing some medicines, where Ginni Sekhon, Gurupkar @ Golu Virk, Gurupdesb @ Gora residents of Ranjit Nagar, Harvinder Singh alias Bhajan and Yadwinder Singh were present at Medical Hall of Ginni Sekhon and were hatching conspiracy to teach a lesson to Rishi Goyal. The motive behind the occurrence is that a dispute regarding the business of liquor at Bhadson is going on between Rishi Goyal and Ginni Sekhon. Now I and Mahinder Singh @ Mammu left Yashpal Goyal and Chet Raj on the spot and we were going to give information in the police station we heard that you alongwith police party met us. I have recorded my statement and heard to be correct. Legal action be taken against accused persons. Sd/- Gurdeep Singh 9501157465.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and no role was attributed to him. He further contends that even no person had suffered any injury in the alleged incident and the provisions of Section 307 IPC are wrongly involved against him. He further contends that co-accused Yadwinder Singh @ Yadav has been



granted the concession of pre arrest bail vide order Annexure P-3, whereas two similarly placed co-accused Gurupdesh Singh @ Gora and Harvinder Singh @ Harbhajan Singh @ Bhajan Singh have already been ordered to be released on bail vide Annexures P-4 and P-5 respectively. The petitioner was arrested in the present case on 22.06.2022 and is in custody since then. The prosecution has been able to examine only 15 witnesses out of 26 witnesses and the evidence is not likely to conclude in near future.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is involved in 10 more criminal cases and he is a habitual offender. He further contends that the petitioner was earlier declared as a proclaimed offender and had surrendered after several years. He further submits that the petitioner does not deserve the concession of bail.

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

6. No doubt the petitioner is found involved in 10 other criminal cases, but the same is not the ground to deny the concession of bail to the petitioner, specially when he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be placed in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** in which the Hon'ble Supreme Court has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.***



7. The petitioner was arrested in the present case on 22.06.2022 and only 15 witnesses out of total 26 witnesses have been examined so far. Thus, there are chances that the trial Court may take considerable time in concluding the proceedings. Moreover, the apprehensions expressed by learned State counsel can be addressed by imposing stringent conditions on the petitioner in the present case.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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 Monday in English calander month to 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 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.

9. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

31.01.2025
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(N.S. SHEKHAWAT)
JUDGE

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