



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

222

CRM-M-26723-2024

Date of decision: March 4th, 2025

Gourav Sharma @ Goru Bacha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. G.K. Mann, Senior Advocate
with Ms. Simrat Kaur and Mr. Gursharan Singh, Advocates
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

This is a fourth petition filed by the petitioner seeking the concession of regular bail in FIR No.3 dated 01.05.2019 registered under Sections 377, 388, 389, 109, 115, 116, 120-B of the Indian Penal Code, 1860, at Police Station State Special Operations Cell, S.A.S. Nagar, District Intelligence Wing (CID)

2. The matter has been heard at length. On the last date of hearing, the following order was passed:

“Learned senior counsel for the petitioner submits that the petitioner has been victimized at the hands of co-accused, who are all senior Police officials; the petitioner was lodged in jail in Patiala in connection with some other criminal cases; the co-accused Polices officials tried to extort money from some other jail inmates through the petitioner and other under-trial/convicts co-accused. It has been submitted that even though the challan was presented way back on 19.08.2019. Charges

had not yet been framed and hence on this ground alone the petitioner deserves to be enlarged on bail irrespective of his involvement in some other criminal case.

Per contra, the learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner who has been in custody now since 27.05.2019 however, the learned State counsel has disputed that the charges have not yet been framed in the present case,

Learned senior counsel has placed on record order dated 30.01.2025 of the learned trial court wherein it stands reflected that arguments on charge would be heard on the next date of hearing i.e., 04.04.2025.

Learned State counsel prays for a short adjournment to re-verify the status of the trial.

In the meantime, let a report be called for from the learned trial court concerned with respect to the stage of trial.

At his request, adjourned to 04.03.2025.”

3. Learned senior counsel for the petitioner has reiterated that the petitioner has been falsely implicated in the present case, which pertains to allegations of assaulting and threatening the complainants with the intent to extort money. It has been emphatically submitted that the allegations against the petitioner are wholly improbable, as it is an undisputed matter of record that the petitioner was confined in Patiala Jail at the time of the alleged incident.

4. It is further contended that the petitioner has been in custody since 27.05.2019, and although the challan was presented on 19.08.2019, charges have not been framed to date. The learned senior counsel has additionally argued that the principal allegations of assault, intimidation, and coercion for monetary gain are primarily directed

against certain jail officials. Significantly, the prime accused, Rajan Kapur, Superintendent, Central Jail, Patiala, who is alleged to have orchestrated the offence, has already been granted interim anticipatory bail by this Court vide order dated 06.06.2019 (Annexure P-3). In light of these circumstances, it is submitted that the petitioner should be granted the concession of bail on the grounds of parity.

5. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations against the petitioner. However, he, on instructions, has not disputed the custody period of the petitioner or the fact that the trial is yet to commence due to the non-framing of charges. He further submits that the delay in framing charges is attributable to the recent receipt of sanction with respect to the jail officials involved. Learned State counsel, on further instructions, concedes that the co-accused, against whom more serious allegations have been levelled, have already been granted bail. Nonetheless, he contends that the petitioner has a history of criminal antecedents and stands convicted in some of the cases.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner has been in custody since 27.05.2019. Although the challan was presented on 19.08.2019, the trial has not progressed, and the charges are yet to be framed in the present case. The delay in the proceedings before the trial Court is evident, and there appears to be no likelihood of its conclusion in the near future. Notably the co-accused, including the prime accused against whom the main allegations have been directed, have already been granted bail.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

March 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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