

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

2025:PHHC:032198



(235)

CRM-M-46609-2024

Date of Decision: 06.03.2025

Gurinderpal Singh @ Gora Bhau

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Amaninder Preet, Advocate for petitioner.

Mr. Shiva Khurmi, AAG, Punjab with
ASI Rachpal Singh.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.255, dated 29.09.2021, under Sections 302, 307 IPC, Sections 25, 27, 54, 59 of Arms Act and Sections 212, 216, 120-B IPC (added later on), registered at Police Station, City Muktsar, District Sri Muktsar Sahib.

Reply by way of affidavit of Satnam Singh, Dy.S.P., Sub Division Sri Muktsar Sahib, has been filed in Court today. Same is taken on record subject to just exceptions and a copy has been supplied to counsel opposite.

Learned counsel for the petitioner submits that the instant case is based on eye witness account. However, the petitioner was neither named in the FIR (Annexure P-1) nor was any suspicion raised regarding his involvement in the alleged crime. It is contended that the only role

attributed to the petitioner, if any, is that he allegedly arranged a room in a hotel for the co-accused, who are said to have fired the fatal shots at the deceased.

It is further submitted that on the date of the alleged incident, the petitioner was already in custody in connection with another criminal case. Therefore, it would have been impossible for him to facilitate the arrangement of a room in a hotel for the accused, who allegedly committed the murder in question, purportedly at the behest of his brother-in-law, co-accused Satwinder @ Goldy Brar. Additionally, it is emphasized that the prosecution has not even alleged that the petitioner had any motive to conspire with the accused, who had a prior enmity with the deceased.

Learned counsel has also highlighted that the petitioner has been in custody since 29.11.2021, and after the charges were framed on 04.01.2025, not a single prosecution witness out of the 36 has been examined till date. In light of these circumstances, it is urged by learned counsel that the petitioner deserves the concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has contended that the petitioner facilitated the co-accused by arranging a room in a hotel for them after the alleged murder. However, the learned State counsel on instructions has not disputed the fact that the petitioner was neither present with the other accused at the time of the alleged crime nor participated in any manner in the commission of the offence-whether by providing a weapon or otherwise. It is also not the case of the prosecution that the petitioner had any personal motive to conspire with the co-accused, who allegedly carried out the crime.

Learned State counsel has, however, drawn the attention of this Court to the reply filed in the Court today and has asserted that the brother-in-law of the petitioner, co-accused Satwinder @ Goldy Brar, who is based in Canada, had sought the assistance of the petitioner in securing shelter for the prime accused. The learned State counsel has argued that in the circumstances the petitioner can be seen as a conspirator in the crime.

Upon a query from this Court, learned State counsel concedes that the petitioner was in custody on the date of the alleged occurrence and even thereafter. It has, however, been submitted that the petitioner is involved in multiple criminal cases, details of which have been given in paragraph 8 of the reply filed by the State today. On a further pointed query as to whether the petitioner is on bail in those cases, learned State counsel upon instructions, submits that the petitioner is in custody in at least 7 of those cases.

I have heard learned counsel for the parties and examined the material on record.

The petitioner has been in custody since 29.11.2021. Given that charges were framed as recently as on 04.01.2025 and not a single prosecution witness has been examined so far, the possibility of an early conclusion of the trial appears remote.

It is not disputed that the petitioner was already in custody on the date of the alleged occurrence. The only allegation against him is that he facilitated the arrangement of a hotel room for the accused after the commission of the crime. Beyond this, no other role has been attributed to him in the FIR in question. The prosecution does not allege that the petitioner was present at the place of occurrence provided any weapon, any

motive to conspire in the murder.

Considering these facts and particularly the long incarceration of the petitioner with no foreseeable conclusion of trial, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

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

(MANJARI NEHRU KAUL)
JUDGE

06.03.2025
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No