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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51161-2024
Date of decision:-01.04.2025

GURPREET SINGH @ GOPI
Versus
STATE OF PUNJAB
... Petitioner
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Lakshay Bector, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of an affidavit dated 29.03.2025 of Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural) alongwith custody certificate dated 31.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
187	10.11.2023	379-B, 34, 201 IPC	Shahkot, District Jalandhar

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has been wrongly named by the complainant, the complainant originally had named one Gurcharan Singh @ Raju alongwith

other co-accused who had snatched the motorcycle and bag while driving the motorcycle carrying other co-accused, however, subsequently in his supplementary statement complainant attributing the same to the present petitioner. He submits that there is nothing on record as to how the complainant came to know about the name and parentage of the petitioner and on what basis he had given clean chit to Gurcharan Singh @ Raju son of Hoshiar Singh. He contends that petitioner was arrested on 01.07.2024 and since then he is in custody. The challan has already been presented in Court, as such, petitioner not required for further investigation, hence prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that petitioner alongwith co-accused had threatened the complainant with Datar and snatched the bag containing ₹7000/- alongwith motorcycle. However, he had admitted that no injury was caused to the complainant in the occurrence. He has prayed for dismissal of the present petition considering the nature and gravity of offence.

6. After considering the rival contentions and perusing the record, it is observed that the present FIR was got registered by the complainant alleging that on the fateful day while he was returning home then at about 04:30 pm, three persons on a motorcycle came near the motorcycle of the complainant and pushed his motorcycle, as a result, he fell down and those persons threatened him of dire consequences by showing datar, snatched the bag containing ₹7000/- and also took away his motorcycle.

7. It is apparent from the perusal of record that initially name of Gurcharan Singh @ Raju son of Hoshiar Singh was disclosed as the person

driving the motorcycle by the complainant, however, in supplementary statement he had named the present petitioner as accused driving the motorcycle. There is nothing on record, as to on what basis the complainant came to know about the particulars of the petitioner driving of the motorcycle and his parentage and in his statement he had given the clean chit to Gurcharan Singh @ Raju son of Hoshier Singh named earlier in the FIR. Admittedly, no injury was caused to the complainant in the alleged occurrence, after completion of investigation, challan has already been presented in Court wherein prosecution has cited 10 witnesses and till date none of them have been examined. The conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

01.04.2025

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No