



CRM-M-30639-2025

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

CRM-M-30639-2025

Date of Decision: 09.10.2025

Gurpreet Singh @ Gopi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sangram Singh Saron, Advocate and
Mr. M.B. Rajwade, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. S.P.S.Sidhu, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.173 dated 11.10.2020 under Sections 302, 506, 120-B, 201, 148, 149 IPC and Sections 25, 27 of the Arms Act (Section 201 IPC added vide GD No.12 dated 04.11.2023, registered at Police Station Bhikhiwind, District Tarn Taran.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Dinesh Kumar s/o Paramjit Kumar. It was alleged that on 11.10.2020 at about 06/07:00 p.m., the complainant alongwith Monu, who is his brother-in-law, was sitting on their petrol pump. In the meantime, Satinder Passi armed with .315 bore rifle, Gupreet Singh @ Gopi (petitioner) armed with pistol, Charanjit Singh armed with .12 bore gun, Harbhajan singh armed with .12 bore gun, Surjit Singh armed with datar and 15-20 other unknown persons came there. They opened attack on them and Gurpeet Singh @ Gopi, who was armed with pistol fired a direct shot on Mandeep Singh @ Monu, which hit him on his right side of waist. On receiving fire arm injury, he fell down. Gurpreet



Singh @ Gopi alongwith his accomplices escaped from the spot while firing the bullets. The complainant and Deepak Kumar arranged for conveyance and shifted Monu to Vijay Dhawan Nursing Home Hospital, Bhikhiwind, where, he was declared dead by the Doctors. Request was made to take legal action against the culprits. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 11.11.2020. On the completion of the investigation, challan was presented and on framing of charges, the trial commenced. However, the complainant filed an application under Section 319 Cr.P.C. and thus, the trial prolonged. The petitioner approached the Court of learned Sessions Judge, Tarn Taran praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 01.09.2021. Aggrieved by the same, the petitioner approached this Court twice by way of filing CRM-M-41319-2021 and CRM-M-24532-2024, however, the same were dismissed by this Court vide orders dated 12.10.2021 and 24.07.2024. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner is behind the bars since 11.11.2020. He submits that though the petitioner has been alleged to have given fire arm injury to the deceased, however, the co-accused who was also attributed fire arm injuries to the deceased, has been granted bail. He submits that father of the petitioner i.e. Satwinder Singh approached Hon'ble Supreme Court and has been granted regular bail vide order dated 29.08.2025. He submits that



Hon'ble Supreme Court had taken into consideration the custody of the co-accused while granting him bail. It is submitted that the petitioner is languishing in jail primarily because the application under Section 319 Cr.P.C., was pending adjudication. He submits that though the trial was stayed qua the co-accused, who were summoned under Section 319 Cr.P.C., but despite that the trial qua the petitioner also did not proceed. He submits that irrespective of the allegations made against the petitioner, his right of speedy trial has been defeated as in the present case all the prosecution witnesses still remain to be examined and hence, there is no likelihood of the trial to be concluded expeditiously. He, thus, submits that keeping in view the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is the main accused. On instructions, he submits that out of total 30 prosecution witnesses, 01 witness has been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that though the allegation against the petitioner is that he has caused fire arm injuries to the deceased, however, it is not under dispute that co-accused are on bail and father of the petitioner, has also been granted bail by Hon'ble Supreme Court by taking into consideration his custody period. The custody certificate of the petitioner would show that the petitioner has suffered incarceration of 04 years, 10 months & 23 days as on 07.10.2025. It further reveals that the petitioner is involved in two more cases in which



he is not on bail. There is no gainsaying that that de hors the allegations made, the petitioner has the fundamental right of speedy trial. The Court cannot shut its eye that the petitioner has virtually completed about five years behind the bars and till date only 01 witness has been examined out of total 30 witnesses.

6. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. Though the petitioner is involved in two other cases, however, the same cannot be a ground for non-consideration of his bail, specially when co-accused is already on bail.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from



commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.10.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No