



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

CRM-M-11992-2024

Date of Decision: 17.01.2025

Gurpreet Singh alias Gopi

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Sukhbir Maandi, Advocate
 for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.287 dated 31.10.2022 registered under Sections 379-B of IPC, Section 25 of Arms Act and Section 174 of Cr.P.C. (later on Section 25 of Arms Act and Section 174 of Cr.P.C. stands deleted and Section 379-B(2) and Section 34 of IPC added) at Police Station Jandiala, District Amritsar (Rural).

2. The FIR in the present case was registered on the basis of the statement made by Heera Singh son of Gurpal Singh and the same has been reproduced below:-

“Statement of Heera Singh son of Gurpal Singh, caste Jat, resident of Chajjal Wari, Police Station Khilchian, aged about 45 years, stated that I am resident of above noted address and doing the household work and also doing the duty of Security Guard at SJH Pump, Mallian in night to the maintenance of family. I have



my license DBBL 12 Bore Rifle. On 30.10.2022, time at about 7:20 PM, that I was present at the Petrol Pump on my duty then two young man came on Motorcycle with their muffled faces and the Motorcycle stopped about 10 yards behind the Oil Pump Machine. A young man came down from a Motor cycle with a pistol in his hands as soon as he come, he took about Rs. 2000/- from the hand of Salesman Arshdeep Singh and also snatched Rs. 500/- from a customer thereafter, Arshdeep Singh raised a Alarm regarding snatching and then I came forward and the one who hold the pistol in his hand started pressing the trigger with the intention of shot fired upon me and in order to save myself, I shot fired from my rifle which hit on his chest due to this, he was died at the spot. I did this fire to save myself because on 14.10.2022, because two young have looted Rs. 96,000/- from this Pump and if he did not shot fired then the person who committing snatching, killed me and Salesman Arshdeep Singh with his Pistol. The CCTV Cameras have captured and the other man has managed to escape. I am sure that the incident that took place on 14.10.2022 at this pump was also committed by these two persons. Legal action be taken against these two persons. I am responsible. Sd/- Heera Singh above said, Attested by Sd/- Durlabhdarshan Singh ASI, Police Station Jandiala, District Amritsar, dated 31.10.2022. Police proceedings...)"

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was nominated as an accused in the present case on the basis of the statement made by Amarjit Singh, father of his co-accused. Except the said statement, the police could not collect any evidence against him and the petitioner was wrongly arrested on 03.11.2022. He further contends that the investigation in the present case has already been completed and the



trial Court had framed charge only under Section 379-B(2) of IPC against the present petitioner on 04.11.2023. The prosecution has been able to examine only one witness, out of total 20 witnesses and the trial is not likely to conclude in near future.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. In the present case, the petitioner was not initially named in the FIR and has been arrayed as an accused on the strength of the statement made by father of his co-accused, who had died at the sport. The petitioner is in custody for the last about 02 years and 02 months. The prosecution has only examined one witness out of total 20 witnesses.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

17.01.2025
hemlata

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