



222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60848-2024

Date of Decision:26.05.2025

Gurbhej Singh alias Bheja ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Navdeep Brar, Advocate with
Mr. Ramandeep S. Brar, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.100 dated 26.11.2023 registered under Section 25 of Arms Act, (Sections 279, 336, 307, 353, 146, 34 of IPC and Section 27 of Arms Act added later on) at Police Station Chohla Sahib, District Tarn Taran.

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

“To, the Station House Officer, Police Station Chohla Sahib, Jai Hind today myself ASI along with ASI Pawandeep Singh No. 326/TT, HC Kulwant Singh No.15/TT, S/CT Manwinder Singh No. 461/T, PHG Amritpal Singh No. 3894 on private car carrying laptop and printer were present at Ghora Chowk, Chohla Sahib in connection with patrolling and barricading then a special informer has informed that Gurbhej Singh @ Bheja son of Virsa Singh

resident of village Dhunn Dhai Wala Police Station Chohla Sahib and Jagroop Singh @ Joopa son of Savinder Singh resident of Jallowal, Police Station Sarhali and their some unknown associates are habitual to commit the incident of snatching etc. and many cases are already pending against them in various Police Stations under different sections. Gurbhej Singh@ Bheja son of Virsa Singh resident of village Dhunn Dhai Wala Police Station Chohla Sahib and Jagroop Singh@ Joopa son of Savinder Singh resident of Jallowal, Police Station Sarhali carrying big quantity of illegal weapons and ammunition in their Verna Car bearing registration No. PB13-AF-3082 colour silver are coming from village Sarhali to Chohla Sahib to do any big incident, if the vehicles be checked by conducting barricading at a suitable place then the accused can be apprehended along with big quantity of weapons and ammunition. The said information is true and trustable, therefore the act of above said persons covered under section 25/54/59 of Arms Act therefore after typing Ruqa and taking its print out, the same is being sent to the Police Station by the hand of PHG Amritpal Singh No. 3894 for registration of case, after register case, the number of the same be intimated. Control room be intimated through email. Myself ASI alongwith associate officials going for barricading. Today within the area of Ghora Chowk, Chohla Sahib at 12.10 P.M. Sd/- Gurmukh Singh, ASI Police Station Chohla Sahib dated 26.11.2023.”

3. Learned counsel for the petitioner contends that the version of the complainant as mentioned in the FIR (Annexure P-1) is apparently false and unbelievable. It has been alleged that the petitioner and other co-accused had fired indiscriminately on the police party and the police had also resorted to retaliatory fire. However, none of the person had suffered any fire arm injury in the present case. He further contends that the police had planted the recovery of

certain fire arms on the petitioner and his co-accused. The petitioner was arrested on 26.11.2023 and is in custody for the last about 01 year and 06 months. Even the prosecution has been able to examine only 04 witnesses, out of total 16 witnesses, cited by the prosecution. Since the trial is not likely to conclude in near future, the custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a hardened criminal and is involved in several other cases in the past also. He further contends that even in the present case, the petitioner and his co-accused had fired at the police party, but admittedly no one had suffered any injury in the present case.

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

6. No doubt, several other criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" **2020(1) R.C.R. (Criminal) 831**, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and***

another” 2012(1) R.C.R. (Criminal) 586. The petitioner is stated to be in custody for the last more than 01 year and 06 months and the prosecution has been able to examine only four witnesses so far. Moreover, the case is based on the testimonies of the police officials and the petitioner is not in a position to influence any witness in the present case.

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, subject to the following conditions:-

(i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

(ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

(N.S.SHEKHAWAT)
JUDGE

26.05.2025
hemlata

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