

BA 2249 of 2020 Gurpreet Singh Vs. State of Punjab

Present:- Shri Amit Dudeja, Advocate for the applicant.
Shri Dilpreet Singh, Ld. Addl.P.P. for the State.

O R D E R

This order shall dispose of a bail application filed by applicant Gurpreet Singh for grant of regular bail in case F.I.R. No.28 of 11.03.2020 under Sections 307, 34 of Indian Penal Code and Sections 25, 27, 54 & 59 of Arms Act and further under Section 201 of Indian Penal Code (added lateron) Police Station Phase-8 Mohali, S.A.S. Nagar Mohali.

It has been averred in the application that the applicant has been falsely implicated in the present case. The applicant is in custody since 04.05.2020. The trial of the case would take sufficient time and no useful purpose would be served by keeping the applicant behind the bars. He is ready to abide by the terms and conditions, if any imposed by the Court.

Kamalpreet Singh complainant /injured made allegations that one Harsimran Singh Joshi was the member of Student Organisation SOPU whereas he himself belongs to PUSU Organisation i.e. rival organisation to the accused in Chandigarh College. Due to the said rivalry, the accused Dharuv armed with Danda, Harsimran Singh armed with pistol and Suraj armed with gandasi came on motorcycle in Phase-9 and caused bullet injury to Kamalpreet Singh on his thigh. After few days, a secret information was received that the accused involved in the case are present in the area of Panchkula, Chandi Mandir and if they be raided, they can be caught red handed. The police officials went there and raided the disclosed place. The accused along with other persons opened fire shots from inside the premises, as a result of which, Head Constable Raspreet Singh was injured. The police of Panchkula registered a FIR No.133 dated 26.04.2020 under Section 186, 353, 307 of Indian Penal Code and Section 25, 54, 59 of Arms Act at Chandi Mandir, Police Station.

The Ld. Counsel for the applicant has contended that Gurpreet Singh was not present at the time of previous incident which had taken place in Government College in which the complainant was injured. So he has no connection whatsoever with the case.

As against it, the Ld. A.P.P. for State, has urged that the offence was continuous. Persons who have resisted the arrest of the accused while entering into the premises at Chandi Mandir are also accused of the case and have committed the offence. Moreover, in the second incident also, fire at police party was made, resulting into the bullet injury to Raspreet Singh. Ld. A.P.P. for State has further alleged that all the accused persons are members of one Gang and if they be released on bail they will not only try to commit similar offence but will try to run away from the process of the Court.

The allegations leveled against the applicant are serious in nature. In the first instant though Gurpreet Singh was not present but he was present when they all opened the fire at the police party at Chandi Mandir and injured one Head Constable. If they will be released on bail, there is every possibility that he may flee away or will try to commit similar kind of offence due to enmity between the rival groups. Resultantly, the bail application filed by the applicant Gurpreet Singh is dismissed. Police record be returned. File be consigned to the Record Room.

Pronounced:-

Dated:- 22.12.2020

(Sanjay Agnihotri)
Additional Sessions Judge
S.A.S. Nagar, Mohali
UID-PB0099

Upasna Sharma
Stenographer Gr. II