

IN THE COURT OF MONIKA GOYAL;
ADDL. SESSIONS JUDGE; SAS NAGAR MOHALI

CNR No. PBSA01003043-2020
Bail Application CIS No.1910/2020
Date of Order : 7.12.2020

Gurpreet Singh alias Gopi aged about 26 years son of Parkash Singh resident of VPO Beerowal, Tehsil and District Sahid Bhagat Singh Nagar.

....Accused/applicant.

Versus

State of Punjab

....Respondent .

....

First regular bail application for the grant of bail to the accused/applicant in a case FIR No. 77 dated 10.9.2020 under Section 420, 465, 468, 471, 115, 506, 408, 120-B and under section 413, 414, 473, 201 of IPC.
Police Station Naya Gaon.

Present:- Shri Sanjeev Roy Advocate Counsel for bail
applicant/accused
Sh. Rajesh Gupta Adv. Counsel for complainant.
Sh. Manjit Singh Addl.P.P for the State

ORDER

This order of mine shall dispose of the application for regular bail, preferred by accused/applicant Gurpreet Singh alias Gopi, under Section 420, 465, 468, 471, 115, 506, 408, 120-B, 413, 414, 473, 201 of IPC.

2. When notice of the bail application was issued, learned Addl.P.P for the State appeared. Sh. Rajesh Gupta Advocate appeared on behalf of complainant. Investigating Officer also appeared along with police record.

3. I have heard the learned counsel for the applicant-accused, learned Addl.P.P for the State along with counsel for complainant and have

also gone through the record.

4. FIR in this case has been got registered by complainant Saroop Singh against the present accused/applicant and others on the allegations that co-accused Feroz Khan was working with him, during which, he succeeded in winning his trust to the extent that he used to do all bank transactions, household jobs for complainant Sarup Singh. The money transaction was going on with him and now Feroz Khan in connivance with his brother Amir Khan and one lady namely Priyanka, has withdrawn money from the account of the complainant by putting fake/forged signatures of the complainant on his cheques and when the complainant came to know about this, he(complainant) demanded money from them and then co-accused Feroz Khan threatened the complainant and made pressure upon him by saying that he has relations with "Gangsters". Co-accused Feroz Khan was trapped by Chandigarh police with a Gangster i.e present applicant Gurpreet Singh alias Gopi and an FIR was registered and during interrogation in that case, it was surfaced that Feroz Khan hired present applicant Gurpreet Singh alias Gopi to kill Balwinder Singh (son of complainant) and son of Balwinder Singh i.e grandson of complainant, who is Canadian resident. During interrogation in that case, three blank cheques of Sarup Singh were also recovered. One pistol and five live cartridges were also recovered in another case registered in Police Station Sector 17 U.T Chandigarh, from the present accused/applicant.

5. Learned Counsel for the bail applicant has argued that the applicant is innocent person and he did not commit any offence. The present FIR has been registered on the complaint dated 10.9.2020 and without verifying the facts, same day the FIR was registered and even at the time of

registering the FIR, there is no any kind of evidence against the applicant and even as per the FIR, the alleged date of occurrence is 19.8.2020. In the present case, neither the applicant has any dispute with the complainant and his son Balwinder Singh SP nor there is any transaction between the applicant and complainant and the ingredients of all the sections in the present case are not fulfilled against the applicant. He further submitted that the applicant is already facing the criminal proceedings in FIR No.146 dated 17.8.2020 under Section 25/54/59 of the Act, registered at P.S Sector 17 Chandigarh and on the same set of allegations, the present FIR has been registered after the delay of about 22 days and no reason has been mentioned in the FIR. In the present case, no recovery of any kind has been effected from the applicant and nor any recovery is going to be effected from the applicant and no useful purpose would be served to keep the applicant behind the bar. He further submitted that two of the co-accused have already been granted anticipatory bail. Learned Counsel further submitted that co-accused namely Feroz Khan has some property dispute with Balwinder singh S.P and initially in the said property dispute, the applicant was picked up by the Chandigarh Police on 17.8.2020 from Sector 10 market and implicated with Feroz Khan in a false case and thereafter in the present case. Learned Counsel further submitted that even the accused/applicant is projected as a Gangster by the police in the entire issue, but in all the cases, the applicant is on bail and regularly appearing before the learned trial Courts. Learned Counsel further submitted that even as per the FIR, neither the complainant nor his son Balwinder Singh S.P stated that the accused/applicant met with them at any stage, rather the applicant has been falsely implicated due to the property dispute of SP Balwinder Singh with co-

accused Feroz Khan. Learned Counsel further submitted that the guilt of the accused/applicant is yet to be proved during the trial and moreover the applicant is unable to influence the witnesses as the son of the complainant is already posted as a Commandant in Commandant Battalion, District SAS Nagar and the local police is already under his influence. He further submitted that no useful purpose would be served by keeping the accused/applicant further more in custody and prayed for the grant of regular bail to the accused/applicant.

6. Learned Addl. P.P for the State had argued that there are serious allegations against the accused/applicant, who is Gangster. He further submitted that already the present accused/applicant is involved in so many other similar cases and in case he is released on bail in the present case, he will influence the witnesses and temper with the evidence and as such prayed for dismissal of the bail application. Counsel for the complainant had submitted that accused/applicant intent to kill the family of complainant and their life will be in danger if accused/applicant is enlarged on bail at this stage.

7. Taking into account the facts and circumstances of the present case, I am of the considered view that there are serious allegations against the accused/applicant that he being Gangster had connived with main co-accused Firoz Khan to kill the complainant and his son. A pistol and five live cartridges have already been recovered from the accused/applicant in another case registered at Police Station Sector 17 Chandigarh. The bail application of main accused Firoz Khan has already been dismissed by the Court of Sh. Sanjay Agnihotri learned ASJ Mohali. In view of the above said serious allegations against the applicant, there is every possibility that he may

tamper with the evidence and the life of the complainant and his family members will be in danger, if at this stage, accused/applicant is released on bail. Consequently, I find no ground to release the accused/applicant on regular bail at this stage and as such the present bail application is hereby dismissed. Police record be returned. File of this bail application be consigned to the record room.

Announced/7.12.2020

(Monika Goyal)
Addl. Sessions Judge
SAS Nagar Mohali
Uid No.PB0439

* Balwinder Singh
Stenographer Grade I

Present:- Shri Sanjeev Roy Advocate Counsel for bail
applicant/accused
Sh. Rajesh Gupta Adv. Counsel for complainant.
Sh. Manjit Singh Addl.P.P for the State

Arguments heard through Videoconferencing. Vide
my separate detailed order of even date, the present bail application has
been dismissed. Police record be returned. File of this bail application be
consigned to the record room.

Announced/7.12.2020

(Monika Goyal)
Addl. Sessions Judge
SAS Nagar Mohali
Uid No.PB0439

* Balwinder Singh
Stenographer Grade I