

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

BAIL APPLICATION CNR No.PBSA01006504-2020
CIS No.2323-2020
DATE OF DECISION: 17.12.2020

Gurmukh Singh son of Sh. Basant Singh, aged about 41 years resident of
Village Makhewala, District Mansa.

.....Applicant/Accused
Versus

State of Punjab

....Respondent.

First bail application under Section 439 Cr.P.C for grant
of regular bail, in case FIR No. 208 dated 17.9.2020
under Section 307, 450, 148, 149, 506 IPC and 25 of
Arms Act and Sections 302, 449, 212, 419, 420, 465,
468, 471, 120-B IPC added lateron.

Police Station City Kharar.

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Present:- Mr. Vishal Mehta Advocate Counsel for the
accused/applicant.
Sh. Manjit Singh Addl. P.P for the State.

ORDER

This order of mine shall dispose of bail application
moved on behalf of applicant-accused Gurmukh Singh seeking regular bail
under Sections 307, 450, 148, 149, 506 IPC and 25 of Arms Act and
Sections 302, 449, 212, 419, 420, 465, 468, 471, 120-B IPC added lateron,
by invoking the provisions of Section 439 Cr.P.C.

2. When notice of the bail application was issued, learned
Addl. P.P for the State appeared. Police record has been received and

perused.

3. I have heard the learned counsel for the applicant-accused, learned Addl. P.P for the State through Videoconferencing_ and have also gone through the record.

4. FIR in this case has been registered on the basis of statement made by complainant Dewan Sharma on the allegations that during the intervening night of 16-17/09/2020 at about 2.30 A.M, complainant was sleeping in his room, whereas his parents were sleeping in their room and then some one rang up the bell of his house. CCTV Cameras are installed and when they saw the Cameras, then they saw that some young-men were standing outside the inner gate of their house, out of them, one was Akashdeep alias Pannu armed with baseball bat, second Harinder Singh Sahota armed with iron rod, third Bhavjeet Singh armed with pistol and fourth one was Baljit Chaudhary and there were also 2-3 unknown persons and regarding which, complainant told his parents not to open the door and that the said persons have come to kill him and thereafter complainant went in the Chobara of his house to hide himself and in the meantime, the assailants started firing towards the house of the complainant and they forcibly opened the door of the house and entered therein. Complainant further stated that the assailants shot fire on his father, but luckily the said fire did not hit his father. They were giving filthy abuses to the complainant in loud voice and asking his whereabouts from his parents. The above said assailants gave beatings to his father with sticks and rods and dragged him out side the house and thereafter all the assailants fled away from the spot along with their weapons in the

Fortuner vehicle and thereafter complainant came down from the Chobara and saw that his father was lying in blood and their car No.PB-65-L-1257 was also damaged. He took his father to Civil Hospital Kharar, from where due to the serious condition of his father, he was referred to PGI Chandigarh and when in the way to PGI, the condition of his father get serious, then he was got admitted in Indus Hospital Phase 1 Mohali and he expired on 19.9.2020 during treatment. As regards the present applicant, it had came in the interrogation of co-accused that the accused/applicant Gurmukh Singh got prepared the fake passport of co-accused Bhavjeet Gill with the fake name of Manpreet Singh son of Baldev Singh through one agent Sandeep Kharab, at the intance of Pushpinder Kaur and Stafenpreet Kaur for a sum of Rs.3,70,000/- and tried to get him flee from India to some Foreign country.

5. Learned Counsel for the bail applicant had argued that the accused/applicant has no role in the incident happened on 17.9.2020 and he has been falsely implicated by the police on the disclosure statement of co-accused Baljeet Chodhary. He further submitted that the accused/applicant was arrested by the police on 29.10.2020 and Section 212, 419, 420, 465, 468, 471, 120-B of IPC was added by the police in this case. He further submitted that the accused/applicant was not named in the FIR and he was out of India from 9.9.2020 to 20.9.2020. He further submitted that nothing is to recovered from the accused/applicant and he is not required for any kind of investigation or custodial interrogation. Learned Counsel further submitted that the accused/applicant belongs to a good family and there is no criminal case pending against him. A baby

boy was born to the accused/applicant on 6.11.2020 and no one is in the house to look after his wife and newly born child except the applicant. He further submitted that the bail applicant undertakes to appear on each and every date of hearing of the case and will abide by each and every condition and prayed for the grant of regular bail to the bail applicant.

6. Learned Addl. P.P for the State had argued that there are serious allegations against the accused/applicant as he got prepared the fake passport of Bhavjeet Gill main accused of this case in the fake name of Manpreet Singh in order to get him flown to some foreign country and he further submitted that accused/applicant is not entitled for regular bail and prayed for dismissal of the present bail application.

7. Taking into account the facts and circumstances of the present case, this Court is of the considered view that the accused/applicant is in custody since 30.10.2020. The passport in question has already been recovered from the co-accused and now nothing is to be recovered from the accused/applicant. The conclusion of trial will take indefinite time and no useful purpose would be served by further detention of the accused/applicant. Moreover during the prevailing situation, arising due to outbreak of Pandemic Novel Corona-virus (Covid-19), it will not safe to keep the accused/applicant further more in custody. Further the allegations levelled against the applicant/accused will be proved when the prosecution had led complete evidence during trial. Consequently, the bail application moved by the accused/applicant for the grant of regular bail stands allowed and the accused applicant is ordered to be released on regular bail on his furnishing bail bonds in the sum of Rs.50,000/- with

one surety of the like amount to the satisfaction of the Illaqa/Duty Magistrate, subject to the following conditions:-

- a) that the applicant will not leave the country without prior permission of the Court.
- b) that the applicant will not tamper with the prosecution evidence, while on interim bail.
- c) that he shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the court or police.
- d) that he shall not misuse the concession of bail, failing which, this order shall stand vacated automatically.

Police record be returned. File of this bail application be consigned to the record room.

Announced/17.12.2020

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

* *Balwinder Singh*
Stenographer Grade I

Gurmukh Singh Vs. State of Punjab

Present:- Mr. Vishal Mehta Advocate Counsel for the accused/applicant.
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 allowed as per the details enumerated therein. Police record be returned. File of this bail application be consigned to the record room.
Announced/17.12.2020

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

* Balwinder Singh
Stenographer Grade I