

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13009 of 2015

Date of decision : July 17, 2015

Jasbir Singh Sandhu

... Petitioner

vs.

State (U.T. Chgandigarh)

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Aditya Jain, Advocate and
Mr. Birinder Siungh Khehar, Advocate
for the petitioner.

Mr. Sukant Gupta, Addl. Public Prosecutor, UT, Chandigarh.

Mr. Vikrant Sharma, Advocate for PGIMER

Surinder Gupta, J

This petition has been filed by Jasbir Singh Sandhu seeking regular bail. He is facing trial in case bearing FIR No.178 dated 30.6.1999 registered for offence punishable under Sections 307, 427, 323, 120-B IPC and Section 3, 4 and 5 of Explosive Substances Act, 1908.

The prosecution case, in brief, is that a bomb had exploded in the parking of Sector 34, Chandigarh at about 12/12.30 p.m. on 30.6.1999 causing injury to the complainant Sohan Singh and damage to many vehicles parked there. During investigation it came out that a scooter bearing registration No.HR-06-A-5079 was parked and used for blast using RDX. The police arrested Gurbax Singh and Sher Singh, who faced trial and were convicted vide judgment dated 22.1.2002. Rattandeep Sing, the third accused, however, escaped and was declared as Proclaimed Offender. He could be arrested by the police only on 5.11.2014. During investigation confessional statement of Rattandeep Singh was recorded on 13.11.2014, wherein he disclosed that at the instance of Paramjit Singh Panjwar, a militant who claimed to be Chief of KLF (Khalistan Commando Force), he had met Jasbir Singh petitioner at his residence in Sector 33, Chandigarh, who paid him ₹1,00,000/- for causing blast. Out of this money, he shared ₹25,000/- with Sher Singh and ₹10,000/- with Gurbax Singh. They purchased scooter and RDX and caused the blast. After the blast, he fled to

Pakistan where petitioner came to meet Paramjit Singh Panjwar. The police also recorded statement of another witness who had stated that he had seen the petitioner with Rattandeep Singh near bus stand before bomb blast in sector 34 in the year 1999. The petitioner was handing over a paper bag to Rattandeep Singh.

The petitioner was arrested in this case on 9.11.2014 thereafter challan has been presented against him and he is facing trial.

Learned counsel for petitioner has sought regular bail for the petitioner, *inter alia*, pleading that the petitioner has been involved in a false case after a lapse of 15 years of the incident. The police had fabricated evidence against him by getting confessional statement of co-accused Rattandeep Singh recorded under Section 164 Cr.P.C. when he was in police custody. Statement of Gurbax Singh another witness was recorded after a lapse of 15 years of the incident. Besides merits, he has submitted that the petitioner is an old man of 72 years suffering from number of ailments including Triple Vessel Disease (Coronary artery disease). He is getting treatment from Fortis Escorts Hospital, New Delhi as well as PGIMER, Chandigarh.

Learned State counsel has argued that role of the petitioner in the bomb blast that took place in the parking of Sector 34, Chandigarh came to the notice of the police in the year 2014 when accused Rattandeep Singh was arrested and interrogated. Rattandeep Singh had stated the role of the petitioner in his statement to the police and also in his statement under Section 164 Cr.P.C. recorded by the Judicial Magistrate Ist Class, Chandigarh. The police has also taken the passport of petitioner and his visa details which show his several visits to Pakistan. The information is also available with the police regarding his links with the terrorists living there but operating in India. There is sufficient evidence at this stage to make out that accused had been aiding terrorism in this country, which is a public menace and is danger to the safety and security of the people of this country and posing a threat to peace and security. Regarding ailment of petitioner, he submits that his medical check up has been conducted at premier institute of this region and report dated 3.7.2015 states that modalities of treatment of the ailment with which the petitioner is suffering

are available at PGIMER, Chandigarh.

Learned counsel for petitioner has sought the bail by making out a case that evidence against the petitioner is inadmissible and insufficient to prove the charges against him. He has submitted that the confessional statement made by Rattandeep Singh has already been retracted by him. This fact is to be kept in mind that at the stage of deciding the bail application, this court is not required to go into the merits of the case and the probative value of the material on record as all these facts are to be looked into and appreciated by the trial court at an appropriate stage. The petitioner has been arrested in this case for an incident of bomb blast which is an act of terrorism. The prosecution agency could not lay hands on him for a period of about 15 years after the incident. At this stage, there is no reason to accept the contention raised by learned counsel for petitioner to discard the prosecution version.

It has been submitted that after framing of the charge the prosecution is producing its evidence. The release of petitioner at this stage will hamper the proceedings of the case and pose a threat to the prosecution witnesses.

Taking all the above facts into account, the petitioner cannot be allowed bail at this stage.

So far as the other plea of petitioner that he is 72 years old person suffering from heart diseases is concerned. The petitioner is getting treatment from a premier institute of this region i.e. PGIMER, Chandigarh. After his detailed examination, the doctors have opined that he require coronary artery bypass grafting for coronary artery disease and the treatment is available in PGIMER, Chandigarh. As the petitioner is getting due medical attention, there is no reason for his release on medical grounds.

In view of my above discussion, petition under Section 439 Cr.P.C. filed by the petitioner seeking regular bail and also the petition bearing No.18989 of 2015 seeking interim bail are declined.

(Surinder Gupta)
Judge

July 17, 2015
deepak