

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-28638-2016
Date of decision :06.09.2017**

Gaurav Kumar Singla alais Tony

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Ravish Bansal, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by Gaurav Kumar Singla alias Tony an accused in FIR No.121 dated 16.05.2015 under Sections 395, 412, 342, 323, 120-B IPC and under Section 25 of the Arms Act registered with Police Station Tripri Town, District Patiala.

Briefly stated facts of the case are that on 16.05.2015 while complainant Darshan Singh, Branch Manager at Muthoot Finance Corporation Limited, Branch Preet Nagar, Tripri, Patiala along with other officials was working in the office, Darshan Singh was sitting in his cabin,

two officials namely Navneet Kaur and Venus Sharma were also there working on their seats. Two young boys with their faces muffled entered the office and enquired about Manager of the office from Navneet Kaur, who stated that Manager was sitting in his cabin. Then those persons one of being Sikh man put his pistol at temple of complainant whereas another one took out his knife. They affixed tape on mouth of complainant and tied both his hands. Then he was confined in the bathroom of the office. Two boys took keys from Navneet Kaur & Venus Sharma and opened store room and took the gold weighing around 11.260 kilograms and cash amount of ₹1,70,000/-. Thereafter they collected ₹82,000/- from counter of the office another boy armed with pistol came inside the office and spread something on CCTV. The accused affixed tape on the mouth of Navneet Kaur and Venus Sharma, their hands were also tied. Subsequently Venus Sharma managed to release herself, she opened the bathroom, then complainant Darshan Singh came out of it. He informed the police on telephone No.100, the police came to the spot and complainant made a supplementary statement disclosing the description of accused persons adding that he had suspicion that officials namely Navneet Kaur and Venus Sharma had connived with the intruders since he had heard them talking slowly with such persons.

On the next day in the morning when a police party was present at Chowk of Gurudwara Dukh Nivaran Sahib, Patiala having laid a picket there, then a secret information was received about the names of accused persons as Gaurav Kumar Singla alias Tony (petitioner), Sukhwinder Singh,

Gurpreet Singh, Robin Rawal, Navneet Kaur and Venus Sharma. Raids were conducted to nab such persons, first of all Robin Rawal was caught from his house. He was interrogated, during course of which he disclosed that on 16.05.2015 along with his companions had committed dacoity in Muthoot Finance Corporation Limited, Branch Preet Nagar, Tripri, Patiala and after that dacoity they had gathered at shop Maa Jagdambe Jyotish Kender, Bus Stand, Patiala where they had distributed the booty amongst themselves. On the basis of disclosure statement recovery was got effected by Robin Rawal, thereafter Navneet Kaur and Venus Sharma were apprehended, who had also suffered disclosure statements and got recoveries of their respective shares effected. They had admitted their involvement in the crime.

Learned counsel for the petitioner has argued that the petitioner is behind the bars since 17.05.2015, though trial is going but its moving at very slow pace and a considerable time is likely to be taken for its disposal; that the petitioner is not named in the FIR his co-accused have been granted benefit of regular bail; that even on merits the case of the prosecution qua him was contrary; that although the foot prints had been taken but those were not got matched with the foot prints actually present at the spot.

On the other hand learned State counsel has opposed the request for bail vehemently.

A perusal of file goes to show that though regular bail has been granted by a Co-ordinate Bench of this Court to accused Navneet Kaur, but it was keeping in view the fact that she happens to be young girl aged about

26 years and prosecution has been relying upon her confessional statement. Furthermore she is stated to have played a passive role and remained quiet.

Similarly Venus Sharma has been granted regular bail for those very reasons. Whereas Robin Rawal alias Ravi Sharma was granted bail vide order dated 16.03.2016 passed in **CRM-M-7768-2016 (O&M)** observing that allegations against him were that the loot was shared in his premises and thereafter a recovery of 2.135 kilograms of gold was allegedly effected from him. In this very order it has been observed as under:-

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it has gone uncontroverted that even as per final challan document three young boys have been attributed the role of having put a pistol on the forehead of the complainant and of having sprayed on the CCTV cameras fixed inside the office premises and these are stated to be Sukhwinder Singh, Gupreet Singh and Gaurav Singla respectively. xxxxxx”

In that way as per prosecution story Gaurav Kumar Singla alias Tony had actively participated in the dacoity, looting a huge amount of gold weighing around 11.260 kilograms and cash ₹2.50 lacs approximately. The allegations against the petitioner are much more serious and grave and no ground is made out to grant benefit of concession of bail to him.

As regards the slow pace of the trial it has been noticed that the main reason for prolonging the trial mainly lies on the shoulder of the accused. Nevertheless while dismissing this petition the trial Court is directed to conclude the trial expeditiously by giving short adjournments

disallowing the request for adjournment to prosecution and defence which are not justified and then to conclude the trial at the earliest.

However, nothing expressed hereinabove shall construe any opinion on the final disposal of the case.

06.09.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**