

CRM-M-43165-2017 &
CRM-M-47210-2017

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

(1) CRM-M-43165-2017
Date of decision: 9.3.2018

Mani Dass Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

(2) CRM-M-47210-2017

Gagandeep Singh @ Gagani

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.H.P.S. Ghuman, Advocate
for the petitioner in CRM-M-43165-2017

Mr.Simranjit Singh, Advocate
for the petitioner in CRM-M-47210-2017.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-43165-2017 filed by petitioner – accused - Mani Dass Singh @ Mani and CRM-M-47210-2017 filed by petitioner - accused - Gagandeep Singh @ Gagani for grant of regular bail in case FIR No.96 dated 22.7.2017, under Sections 382, 342, 411, 392, 397, 120-B and 34 IPC and Section 25 of Arms Act, registered with Police Station Pasyana, District Patiala.

Briefly stated, facts of the case as per prosecution version are that FIR in this case was recorded on the basis of statement of complainant Sanjay Kumar son of Tilak Raj, resident of House No.225, Street No.2, Gurbux Colony, Patiala aged about 42 years, which he made to ASI Manjit Singh, Incharge Police Post, Dakala, Police Station Pasyana wherein he stated that he has been working as Salesman at Krishna Filling Station, Samana Road at village Kakrala belonging to Rajinder Kumar son of Atma Ram, resident of Patiala; that on 22.7.2017 at about 5:15 p.m. while the complainant was pouring petrol in one motorcycle, in the meanwhile a motorcycle make Splendor of black colour without number plate with three young men riding it came; that all those youth included one aged about 30-35 years having bulky built armed with a pistol, whereas the two other youth were in the age group of 24-25 years, who had covered their faces with handkerchiefs and they were armed with rods; that the person with uncovered face having pistol asked the complainant to take him inside the office and took away Rs.30,000/- from the safe and Rs.5,000/- from pocket of the complainant besides snatching

his mobile phone by pointing pistol at him; that thereafter the complainant along with two other employees was locked in generator room; that thereafter the miscreants ran away on their motorcycle. Formal FIR was registered. Accused Mani Dass Singh @ Mani and Gagandeep Singh @ Gagani (present petitioners) were arrested in this case and they had moved applications for bail before the Court of Sessions but the same were declined by learned Additional Sessions Judge, Patiala vide order dated 30.10.2017.

As such, the petitioners have approached this Court with the same request.

Notice of the petitions was given to respondent – State and counsel representing the State has put in appearance.

I have given a thoughtful consideration to the rival contentions besides going through the record.

Learned counsel for the petitioners has contended that the petitioners are in custody for the last seven months; that out of the prosecution witnesses examined, three of the alleged eye-witnesses have not supported the prosecution story; that the conclusion of trial is likely to take some time, as such, they be granted bail.

Whereas the request is being opposed by learned State counsel contending that the petitioners have committed a heinous crime of robbery and looted cash and mobile phone and in case they are granted bail, there are every chance of their absconding and tampering with the prosecution evidence.

After hearing the rival contentions of learned counsel for the

parties, I find that though petitioners are not named in the FIR but during the investigation they were nominated. They are said to have made confession before Kashmir Singh son of Surjit Singh and on the basis of disclosure statements made by the petitioners, .32 bore pistol along with 9 live cartridges as well as *kirch* and motorcycle said to have been used by the petitioners in the incident besides Rs.6,500/-, Rs.3,500/- along with iron rods and mobile phone were recovered from their possession. The allegations against the petitioners are very grave and serious. The recovery effected shows the involvement of the petitioners in the incident. The incidents of robberies, snatching and even dacoities in broad day light are increasing day by day. Such type of incidents are to be taken seriously and criminals responsible deserve to be dealt with sternly and not in a light manner. Keeping in view the facts and circumstances of the case, no ground to grant regular bail to the petitioners is made out. The trial against the petitioners is going on, which is likely to be concluded in near future. The apprehension expressed by the State counsel that if petitioners are granted bail, there is every likelihood to their absconding and even tampering with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merit in the petitions, the same stand dismissed.

9.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No