

CRM-M-47169 of 2018

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

CRM-M-47169 of 2018
Date of Decision: 31.10.2018

Lakhwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CRM-M-47260 of 2018

Amritpal Singh alias Gaggi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. G.K. Mann, Advocate,
for the petitioner in CRM-M-47169 of 2018.
Mr. Kamaldeep S. Sidhu, Advocate,
for the petitioner in CRM-M-47260 of 2018.
Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

By this common order, I shall dispose of above-titled two petition for grant of regular bail to the petitioners in a case arising from FIR No.0059 dated 24.07.2018 registered under Sections 392, 382, 384, 473, 506, 148, 149, 120-B IPC, Sections 18, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act (Sections 212 and 216 IPC added lateron) at Police Station Sadar Rajpura, District Patiala.

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Balwinder Singh, CIA-2, Patiala, received secret information that 12-13 co-accused of the petitioners had formed a gang and use to commit robbery of vehicles on highways and link roads at gun point. They also use to commit dacoities and fix forged number plates on the robbed vehicles to use the same in dacoities. They also demand ransom from the wealthy people by extending threats to them on phone. Some arm dealers were also associated with them. They supply heroin in large-scale in different cities of Punjab and have links with people of border area and outside the border area. The said gang had made secret hideouts in the States of Punjab, Haryana, Uttrakhand and Delhi. They have also committed murder of one Gagi in the area of Rampura Phool, Bathinda. If immediate raid is carried out, the aforesaid persons can be apprehended with ransom money, robbed vehicles, arms, heroin and intoxicant substance. Thereafter, on 28.07.2018, investigating officer again received secret information that co-accused, namely, Aman Kumar alias Amna, Rajat Kumar alias Safi, Sukha alias Vicky, Yadwinder Singh, Karan Mangla alias Karan and Sumit Bajaj alias Laddi, having illegal arms and ammunition and intoxicant substance in huge quantity were making preparations to commit some crime and were travelling in Scorpio vehicle with forged No.PB-11-CD-1125 in the area of Ambala. On receipt of above secret information, he laid barrier and apprehended aforesaid co-accused. From Aman alias Amna one illicit pistol 30 bore along with four live cartridges and one revolver 32 bore along with six live cartridges and ten live cartridges were recovered. From further search of Aman alias Amna 500 gram intoxicant powder was also recovered. From accused Rajat Kumar one pistol 32 bore along with five

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live cartridges was recovered. From Karan Mangla one .22 bore revolver along with seven live cartridges was recovered. From Yadwinder Singh one 32 bore pistol along with five live cartridges, from Sumit Bajaj one pistol 32 bore along with four live cartridges and from Sukha 32 bore pistol along with four live cartridges were recovered.

On similar secret information received on 29.07.2018 by the investigating officer that accused Arshdeep Singh alias Bittu, Varinderpal Singh alias Beena, Palwinder Singh alias Likhari, Alam Bhathal alias Kranti and Lakhwinder Singh, armed with illicit arms, were coming to Punjab from the side of Ghula Cheeka in white Scorpio bearing registration No.CH-01-BK-9384, barrier was laid and aforesaid persons were apprehended. Different types of illicit weapons were recovered from their vehicle. From accused Lakhwinder Singh one 32 bore pistol along with six live cartridges was recovered, which was taken into police possession. During interrogation, petitioner Lakhwinder Singh disclosed that the revolver recovered from him was given to him by Sumit Bajaj alias Landi and he was coming to Punjab to commit crime in conspiracy with his co-accused. Petitioner Amritpal Singh alias Gaggi was nominated in this case on the disclosure statement of co-accused Ajay Faridkotia and was arrested on 11.09.2018. From his possession a 32 bore licensed revolver along with ten live cartridges was recovered.

Learned counsel for the petitioners *inter alia* contend that petitioners were not named in the FIR. Licensed revolver of petitioner Lakhwinder Singh was taken by the police for checking, but later on an illicit revolver was planted upon him. Recovery of illicit arm and six live

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cartridges has falsely been shown from petitioner Lakhwinder Singh, whereas licensed revolver has been recovered from Amritpal Singh. They were not found involved in commission of any crime. Petitioner Lakhwinder Singh is in custody since 29.07.2018 whereas petitioner Amritpal Singh is in custody since 11.09.2018. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioners in jail any more.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioners.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petitions are allowed. Consequently, petitioners are ordered to be released on bail during pendency of trial, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

October 31, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No