

CRM-M-47685-2017 &
CRM-M-48795-2017

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

(1) CRM-M-47685-2017
Date of decision:-12.3.2018

Anil

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRM-M-48795-2017

Navtej Singh @ Billa

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms.Sukhpreet Kaur, Advocate
for the petitioner in CRM-M-47685-2017.

Mr.H.S. Sandhu, Advocate
for the petitioner in CRM-M-48795-2017.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-47685-2017 filed by petitioner – accused - Anil and CRM-M-48795-2017 filed by petitioner - accused – Navtej Singh @ Billa, for grant of regular bail in case FIR No.161 dated 16.8.2017, under Sections 392, 365, 34 IPC (later on offence under Section 392/34 IPC was deleted and Section 395 IPC was added), registered with Police Station Sadar, Ambala, District Ambala.

Briefly stated facts of the case, as per prosecution story are that on 15.8.2017 at about 8.00 P.M. complainant Khem Chand s/o Ajmer Parkash r/o H.No. 73A, Ravidass Basti, Ambala Cantt., after loading his vehicle Tata Ace bearing registration No. HR 37C 9193 with biscuits, had gone to supply the said biscuits to various customers. He was accompanied by one Joginder Singh in that vehicle. After supplying the biscuits and receiving payment of Rs.36,500/- the complainant and Joginder Singh started return journey and their vehicle had passed Dappar Toll Plaza, the time was around 11.00 P.M., the complainant stopped the vehicle on Chandigarh Baldev Nagar Road near Drive 22, for the purpose of urinating. In the meanwhile, a Bolero vehicle of white colour came from Lalru side having 4-5 occupants, who forcibly made the complainant and Joginder Singh sit in that Bolero vehicle, abused them, besides giving beatings and snatched away their money and mobile phone of the complainant, throwing them down about 1.5 km behind Jataur Satsang Bhawan and thereafter sped away their Bolero vehicle. The complainant

and Joginder Singh ran away from there and went to Satsang Bhawan for help. The police was informed. In the statement to the police, complainant gave description of the occupants of Bolero vehicle stating that he could recognize them if brought before him.

After registration of the FIR the matter was investigated. The police received a secret information on 23.9.2017 that the white Bolero vehicle involved in the crime belong to Amrit Pal Singh @ Nanna of Mota Majra and Bhupinder Singh @ Jimmy residing near Manji Sahib Gurudwara had knowledge of 5-6 boys involved in the incident. He was apprehended and he disclosed the names of miscreants involved in the incident as Anil Balmiki of Nahan House, Ambala City, Sandeep Kumar @ Pachu, Navtej @ Billa, Ranjit all of Dhurkura, Amritpal Singh @ Nanna of Mota Majra. Anil, Sandeep and Navtej were apprehended and joined in the investigation. However, Ranjit Singh and Amritpal Singh @ Nanna could not be arrested. During investigation, it transpired that on the intervening night of 15/16.8.2017 accused Bhupinder Singh @ Jimmy alongwith his accomplices Anil Kumar, Sandeep @ Panchu, Navtej @ Billa, Ranjit Singh and Amritpal Singh @ Nanna, planned to loot some roadside passenger on Chandigarh road and they went towards Lalru in white Bolero vehicle bearing No. HR01-AF-7700 of Amritpal Singh @ Nanna, which was being driven by Amritpal Singh @ Nanna himself; that on reaching near Jhamri cut, Nanna suddenly took turn towards Ambala; that at some distance Tata Ace vehicle was standing on the road side and its driver and other person were urinating; that Nanna and Bhupinder Singh @ Jimmy came down after stopping the Bolero in front of Tata Ace

vehicle, such persons were forcibly bundled into Bolero vehicle and driven towards Ambala. Those two persons were beaten up, Rs.36,500/- in cash and mobile phone with sim, were snatched and two persons were thrown out. Thereafter, looted cash and mobile phone were distributed between them. Amrit Pal Singh @ Nannu being gang leader, got Rs.6,500/- and mobile phone, whereas remaining looted amount was distributed among the other culprits. Bhupinder Singh got effected the recovery of amount in question from his residential house. Anil, Navtej Singh and Sandeep Singh in their statements to the police, disclosed the manner in which the crime had been committed by them alongwith their co-accused Ranjit Singh and petitioner/accused Anil getting recovered Rs.3,000/- and petitioner/accused Navtej Singh @ Billa, getting recovered Rs.4,000, their respective share of money concealed by them, as per their disclosure statements.

Accused Anil and Navtej Singh @ Billa (present petitioners) had moved applications for bail before the Court of Sessions but the same were declined by learned Additional Sessions Judge, Ambala.

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.

Learned counsel for the petitioners argued that the petitioners are not named in the FIR and their names came up in the disclosure statements of co-accused, which are inadmissible in evidence, therefore, they be granted concession of regular bail.

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

I have given a thoughtful consideration to the rival contentions besides going through the record and I find that though in the FIR petitioners are not named, but that does not result in grant of any advantage to them, since the purpose of recording the FIR is to set the criminal machinery into motion and since it is lodged in a hurry in most of the cases, the minute details of the incident may not be got recorded therein. It is only after registration of the FIR, during investigation that details of the incident and manner of the same being executed come out to be there. Involvement of the petitioners in the incident was found to be there during investigation of the case. Such statement of co-accused which are incriminating can certainly be used in getting lead during the investigation. Under Section 30 of the Indian Evidence Act, confession made by one of the accused, affecting himself and some other accused can be proved and taken into consideration by the Court trying all such accused. The petitioners/accused had got recovered their share of the looted money stated to have been given to them by co-accused Amrit Pal Singh @ Nanna. The fact that recovery has been effected from the petitioners, point out towards their involvement in this case. The incidents of robbery are increasing at an alarming rate and if such crime is not taken seriously then that would have very bad repercussions. 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.

12.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No