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

1. CRM-M No.48541 of 2017
Date of Decision: 18.01.2018

Gurmeet SinghPetitioner
Vs
State of PunjabRespondent

2. CRM-M No.49074 of 2017 (O&M)

Dalwinder Singh @ ArshiPetitioner
Vs
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.R. Rana-I, Advocate
for the petitioner in CRM-M No.48541 of 2017.

Mr. Premjit S. Hundal, Advocate
for the petitioner in CRM-M No.49074 of 2017 (O&M).

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order CRM-M Nos.48541 and 49074 of 2017 are being decided as similar controversy is involved in both the petitions.

In first petition i.e. CRM-M No.48541 of 2017, petitioner-Gurmeet Singh seeks grant of anticipatory bail and in second petition i.e. CRM-M No.49074 of 2017 petitioner Dalwinder Singh @ Arshi seeks grant of regular bail in case

bearing FIR No.217 dated 04.10.2017 registered under Sections 379B, 427 IPC (Sections 399, 392, 120-B IPC Section 25 of the Arms Act added later on and Section 427 withdrawn) at Police Station Hathur, District Ludhiana.

For brevity, common facts are being noticed.

FIR was registered at the instance of Amod Kumar, Field Officer of SVCL Company, who used to advance loan to ladies in the villages and used to collect installments fortnightly. As per allegations in the FIR, on 04.10.2017, complainant collected total amount of Rs.33,128/- of loan installments from different villages. He was having an amount of Rs.4,000/-, Aadhar Card, Votor Card, two Debit Cards and Credit Card in the kit bag along with the aforesaid amount. In the meanwhile, a motorcycle came from behind. The pillion rider asked him to stop his motorcycle. When the complainant did not stop, the pillion rider gave a stick blow on the hand of the complainant due to which he lost control over his motorcycle and fell down. In fallen condition, when the complainant refused to hand over the kit bag, pillion rider gave a blow with his *danda* on the head and another blow on the left jaw of the complainant and snatched the kit bag.

Learned counsel for the petitioner submitted that during investigation statement of one Mandeep Singh @ Mintu was

recorded on 06.10.2017 and on the basis of said statement, Gurpreet Singh @ Gopa and Dalwinder Singh @ Arshi were nominated as accused in the case. Both were arrested on 11.10.2017. In the disclosure statement of Gurpreet Singh @ Gopa, recoveries of Rs.12,500/-, *dasta kahi* of wood and mobile phone were effected. On the basis of disclosure statement of Gurpreet Singh @ Gopa & Dalwinder Singh @ Arshi, co-accused Avtar Singh and Ranjit Singh were nominated. From Avtar Singh an amount of Rs.6500/-, Rifle .315 bore along with five live cartridges, revolver .32 bore along with four live cartridges, two live cartridges, one ammunition licensed and mobile phone were recovered. An amount of Rs.9,000/- and mobile phone were recovered from the possession of Dalwinder Singh @ Arshi. All the accused namely Gurpreet Singh @ Gopa, Dalwinder Singh @ Arshi, Ranjit Singh and Avtar Singh were lodged in the jail.

Learned counsel further submitted that Avtar Singh has been released on bail.

Learned State counsel on instructions from ASI Kulwinder Singh and HC Buta Singh, submitted that out of total recovery of Rs.33,128/- only an amount of Rs.30,000/- has been recovered so far. The remaining amount is to be recovered from the accused.

On 08.01.2018 in CRM-M No.48541 of 2017, learned State counsel sought time in order to bring on record the particulars of one more case of similar nature pending against the petitioner Gurmeet Singh.

Today, learned counsel for the petitioner has placed on record the vernacular copy of FIR No.344 dated 12.10.2017 registered under Sections 420, 406, 506, 34 IPC and under Section 25 of the Arms Act at Police Station City Jagraon, Distt. Ludhiana Rural, wherein the petitioner was not named and was granted anticipatory bail by the Addl. Sessions Judge, Ludhiana on 10.11.2017.

The case appears to be debatable in the context of statement of eyewitness, whose statement was recorded under Section 161 Cr.P.C. after two days of the occurrence.

At this stage, without meaning anything on merits of the case, since the challan has already been presented on 10.01.2018, petitioner-Gurmeet Singh is directed to appear before the trial Court on 24.01.2018 and in the event of his appearance, the trial Court shall admit him on bail on his furnishing requisite bail bonds/surety bonds subject to its satisfaction.

So far as petitioner-Dalwinder Singh @ Arshi is

concerned, an amount of Rs.9,000/- and mobile phone have already been recovered from him and he is in custody since 11.10.2017, I deem it appropriate to enlarge him on regular bail as the trial may take some time in its culmination. He is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

Both the petitions stand disposed of accordingly.

January 18, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No