

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10048-2019
Date of decision-16.07.2019

Jorawar Singh @ Jora

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioner.

Mr. Hittan Nehra, Addl.AG., Punjab.

Mr. K.S.Dadwal, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Jorawar Singh @ Jora has prayed for grant of regular bail in case FIR No.0058 dated 27.04.2018 under Sections 307 and 379-B of Indian Penal Code and Sections 25, 27, 54 and 59 of Arms Act (Sections 379-B IPC and Sections 27, 54 and 59 of Arms Act, deleted and Section 397 IPC added later on vide DDR No.35 dated 12.09.2018) registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

The FIR was registered on the statement of Dinesh Walia (complainant) which reads as under:-

Statement of Dinesh Walia s/o Brij Mohan Walia r/o Vijay Nagar aged 25 years mobile No.8699461616. Stated that I am resident of above mentioned address and am owner of Petrol Pumb at village Kharkan Bajwa. On dated 26.04.2018. Sir, as per routine, I finished the work in my office and after putting the cash in my bag, after counting the cash which was Rs.46,000/-, I exited from the office gate and was going towards my car XUV-PB-

07-AS-1616, when from the Dhaba side on the main road, at about 9-15 pm, two young boys who were having their faces covered and who were armed with pistol, came to me and raised lalkara to throw my money bag and also fired a shot towards me. Thereupon I fired gunshot, in my defence, after taking shelter behind the car, then they again rushed towards me and I again fired shot and retreated towards the generator, they again fired at me and I also fired at them to save myself, then I threw the bag, which was containing Rs. 46,000/-, ATM card, some money in cash, PAN Card and Adhar card, as I was not left with any cartridges, the accused took away the same and fled away from the spot while raising lalkaras. Thereafter I gathered some courage any myself drove my car and came to Shivam Hospital for treatment. That the abovesaid accused persons have caused injuries to me by attacking me with intention to kill and have snatched my bag, purse, money, ATM, PAN card and Adhar Card. Kindly take appropriate legal action against them. Statement has been heard and found correct.”

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as he has not been named in the FIR. Learned counsel further submits that co-accused, namely, Jashanpreet Singh and Shamsheer Singh have already been granted the concession of bail. According to her, the further custody of the petitioner may not be justified as there are total 20 prosecution witnesses to be examined, which will take considerable time.

On the other hand, learned counsel for the State as well as counsel for the complainant have opposed the prayer on the ground that the weapon used in the crime was recovered from the petitioner. It is further pointed out that the petitioner was one of those two persons who had actually entered the petrol pump to commit the robbery and gunshot was fired by his co-accused who is involved in forty number of other cases.

Considering the nature of the offence as well as stage of the trial

at this stage, this Court does not find any ground to extend the concession of regular bail to the petitioner.

The petition is dismissed.

(MANOJ BAJAJ)
JUDGE

16.07.2019

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No