

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13567-2019

Date of decision: 02.04.2019

Madan Lal Bajaj @ Bhola

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Jaideep Verma, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Madan Lal Bajaj @ Bhola, in case FIR No. 0059 dated 24.07.2018 registered under Sections 392, 382, 384, 473, 506, 148, 149 and 120-B IPC (Sections 212, 216, 467, 468, 471 and 420 IPC and Sections 54 and 59 of the Arms Act, added later on); Sections 18, 22 and 29 of the NDPS Act and Section 25 of the Arms Act, at Police Station Sadar Rajpura, District Patiala.

According to the prosecution, on 24.07.2018, Sub Inspector Balwinder Singh, CIA-2, Patiala, received secret information that 12- 13 co-accused of the petitioner 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, Utrakhand 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 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. From the possession of petitioner, a .22 revolver and 7 live cartridges were recovered.

Learned counsel *inter alia* contends that petitioner has falsely been implicated in the instant case. He was not named in the FIR. His complicity was found during interrogation of co-accused Devinder Singh. No role has been attributed to him. Petitioner is in custody since 09.01.2019. Conclusion of trial may take sufficient long time. No useful purpose would be served by detaining him in jail. Co-accused of the petitioner have already been enlarged on bail by this Court vide orders dated 25.02.2019, 20.02.2019, 21.01.2019, 31.10.2018, 31.10.2018, 07.12.2018, 27.11.2018, 20.02.2018 and 25.02.2019 (Annexures P-3 to P-11, respectively). Thus, treating the case of the petitioner on the same

parity, he may be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Madan Lal Bajaj @ Bhola, is ordered to be released on bail pending trial, treating his case on the same parity as that of his co-accused, on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

April 02, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No