

CRM-M-20437 of 2019

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

CRM-M-20437 of 2019
Date of Decision: 13.05.2019

Devinder Singh @ Binda

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Jaideep Verma, Advocate, for the petitioner.
Mr. Amandeep S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this second petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.59 dated 24.07.2018 registered under Sections 392, 384, 382, 473, 506, 148, 149, 120-B IPC, Sections 18, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 25 of the Arms Act, 1959 (Sections 212, 216, 467, 468, 471, 420 IPC and 54 and 59 of the Arms Act, 1959 added lateron) at Police Station Sadar Rajpura, District Patiala, Punjab.

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 rob vehicles on highways and link roads at gun point. They also commit dacoities by fixing forged number plates on the robbed vehicles for using the same in dacoities. They also demand ransom from the wealthy people by extending threats to them

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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 conducted, 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 of the petitioner, namely, Aman Kumar alias Amna, Sukha alias Vicky, Yadwinder Singh, Karan Mangla alias Karan and Sumit Bajaj alias Laddi, having illegal arms, 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 persons. From Aman alias Amna one illicit pistol 30 bore, one revolver 32 bore and twenty live cartridges of different bore were recovered. From his further search 500 gram intoxicant powder was recovered. From Palvinder Singh @ Lakhari one pistol 32 bore and five live cartridges were recovered. From Karan Mangla one .22 bore revolver and seven live cartridges were recovered. From Yadwinder Singh one 32 bore pistol and five live cartridges, from Sumit Bajaj one pistol 32 bore and four live cartridges and from Sukha 32 bore pistol and four live cartridges were recovered.

On similar secret information received on 29.07.2018 by the investigating officer that Palvinder Singh @ Lakhari, Arshdeep Singh @ Bittu, Varinderpal Singh alias Beena, Alam Bhathal alias Kranti and Lakhwinder Singh, armed with illicit arms, were coming to Punjab from the

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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, 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.

Learned counsel for the petitioner *inter alia* contends that all other co-accused of the petitioner have been granted bail. Petitioner is behind bars since 06.01.2019. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner any more in jail. Petitioner may also be granted concession of bail on the same parity as that of his co-accused.

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, petition is allowed. Consequently, petitioner is ordered to be released on bail during pendency of trial, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

May 13, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No