

CRM-M-37362-2019

Date of Decision: 17.09.2019

Kulwinder Singh @ Kinda

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. PKS Phoolka, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG Punjab assisted by
ASI Surjit Singh.

* * *

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 23 dated 06.02.2019, under Sections 392, 506 of Indian Penal Code and Sections 25, 54, 59 of Arms Act, 1959 registered at Police Station Raman, District Bathinda. The petitioner apprehends his arrest at the hands of Police.

The FIR was registered on the complaint made by Gurpreet Singh who stated that he was working as Salesman at the reliance pump. On 6.2.2019, at about 12.05 AM he along with one Balwinder Singh was present there and at that time there was no electricity at the pump. Two boys having muffled faces came down in a white colour Skoda car, knocked the door and went back to the car. When the complainant went to start the generator, one boy put pistol on his ear and remaining two boys got him inside the sales office. Out of those two boys, one was having pistol and the other was having kirpan. The accused started threatening them to give cash. On their refusal, kirpan blow was given on the shoulder of Balwinder Singh and one of the accused took his Aadhar card. They beaten up and threatened the complainant and Balwinder Singh and took away cash of Rs.41,200/-

with them.

Learned counsel for the petitioner contends that the alleged occurrence took place on 06.02.2019 wherein the assailants who were having muffled faces committed the offence of robbery. According to him, three accused persons namely Lovepreet, Yadvinder and Atinder Singh who were arrested by police are in custody. He submits that the petitioner is real brother of Atinder Singh who has been named on 26.2.2019 by the complainant. It is pointed out that the recoveries from the accused arrested by police have already been made and the petitioner has been indicted only on the ground that he is brother of co-accused Atinder Singh.

Learned State counsel assisted by ASI Surjit Singh does not dispute this fact that none of the co-accused has named the petitioner, who was indicted on the basis of supplementary statement given by the complainant. He is unable to produce any material to substantiate the involvement of the petitioner at this stage.

In view of the above, without meaning any expression of opinion on the merits of the case, the petition is allowed. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

17.09.2019

Janki

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No