

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-371 of 2020

Date of Decision: 17.08.2020

Akashdeep Singh alias Akash alias Kashi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr.L.M.Gulati, Advocate
for the petitioner(s).

Mr. Dhruv Dyal, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

This is second petition under Section 439 Cr.P.C. for grant of bail to the petitioner pending trial in a criminal case arising from FIR No. 101 dated 17.04.2019, registered under Section 307, 379-B & 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sadar, Amritsar, District Amritsar.

The case of the prosecution has been noticed by the learned Additional Sessions Judge in para 2 of the order dated 22.08.2019, which is extracted as under:

“This FIR has been registered on the statement of Rajpal Singh son of Jarnail Singh, who is the Incharge of the liquor vends situated in the area of Majitha Road, Amritsar. It is stated by him that on 16.04.2019 at about 8.50 PM, he received a phone call that salesmen of their liquor vend

situated at Deep Palace Building Majitha Road, Amritsar have been attacked by four assailants who came on two motorcycles having muffled faces and after causing gun shot injuries on the person of salesmen, fled away with the cash from the said liquor vend. It was on the basis of subsequent secret information that present applicant Akashdeep Singh his associates/non-applicants Kuldip Singh @ Jaj, Shamsher Singh @ Sherry and Sarvan Singh were apprehended. During their interrogation, they suffered confessional statements and got recovered part of the looted money and recovery of a 30 bore pistol alongwith 9 cartridges, one 12 bore pistol alongwith two live cartridges and 9 mm pistol alongwith 3 live cartridges was also effected from their possession”.

The first petition, filed by the petitioner, was dismissed on 01.11.2019 after noticing that from the possession of the petitioner, .32 bore sophisticated revolver, made in Italy, along with nine live cartridges was recovered. It was also noticed that the petitioner is involved in two more criminal cases.

The petitioner, while filing the petition, did not annex the order dated 01.11.2019. In para 12 of the petition, it was disclosed that the previous petition for grant of regular bail was dismissed ‘at that stage’. The statement made in para 12 is extracted as under:

“That neither such or similar petition has earlier been filed by the petitioner in this Hon’ble Court or in the Hon’ble Supreme Court of India nor any bail application is pending adjudication before the Sessions Court at the time of

filing of this petition, except CRM-M-40800 of 2019, which was dismissed at that stage by this Hon'ble Court".

This Court has seen the order dated 01.11.2019 on the website of the Court. The order has been passed on merits and the bail application has not been dismissed at that stage as is sought to be made out.

This Court has also heard learned counsel for the petitioner on merits. He submitted that the co-accused has been granted bail vide order dated 11.09.2019 ("Shamsher Singh alias Sherry v. State of Punjab"). It may be noted here that the co-accused of the petitioner was released keeping in view the fact that he was not involved in any other criminal case and the recovery from the co-accused was .12 bore pistol with two live cartridges. The case of the petitioner herein is not similar to the case of Shamsher Singh. The petitioner has criminal antecedents. Still further, the alleged recovery from the petitioner is a sophisticated revolver (manufactured in Italy) of .32 bore with nine live cartridges.

Keeping in view the aforesaid facts, this Court is not inclined to grant regular bail to the petitioner.

Dismissed.

(Anil Kshetarpal)
Judge

August 17, 2020
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No