

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

CRM-M-23216-2020
Date of Decision: 14.09.2020

SANDEEP SINGH @ BOXER

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Saurabh Kapoor, Advocate,
for the petitioner.

Mr. Jagmohan Singh Ghuman, DAG, Punjab.

SANT PARKASH J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

Petitioner prays for bail pending trial in a criminal case arising out of FIR No.313 dated 06.12.2018, registered under Sections 382 IPC, Sections 25/27 of the Arms Act, 1959 (later on challan was presented under Sections 382, 307, 397, 120-B IPC and Sections 25/27/54/59 of the Arms Act, Police Station City Khanna, District Ludhiana.

The present case has been registered against the accused on the statement of Bittu Ram that he and his brother namely Mithu Ram is a junk dealer and they have their office at Mandi Gobindgarh. Mehtab Mann was working with them as helper. On 05.12.2018, Mehtab Maan had gone to withdraw Rs.20 lakhs from J & K Bank, Khanna and at about

4:00 O' clock, he after putting Rs.20 lakhs in a bag was coming on highway near Shani Mandir, on his white coloured motorcycle bearing No.PB-10-GE-2813, two youths came from his backside on a black motorcyle and stopped their motorcycle in front of motorcylce of Mehtab and tried to snatch the bag containing money from him but Mehtab Mann did not loose his grip on the bag/kit from his hands and on this, said youths injured him by firing a gunshot on his right thigh and fled away with the money amounting to Rs.20 lakhs. Passerby got admitted Mehtab in the hospital for treatment, from where his brother Mithu and he took him to DMC Hospital where Mehtab was under treatment. Accordingly, Investigating Officer reached the spot, prepared site plan, took into possession the motorcyle of the injured and also took into possession empty shell of .32 bore cartridge. Thereafter, visited DMC Hospital, Ludhiana, recorded statement of injured. During investigation, supplementary statement of Mehtab Maan was recorded, the accused were nominated in the present case and motorcyle make Splendor used in the incident bearing No.PB-13-D-3599 was also impounded. Accused were apprehended on the identification of the complainant as they had visited his office and had admitted before them that they had committed the said incident while conspiring with each other. Disclosure statements of accused Sandeep Singh, Nasheel, James, Rahul and Pardeep were recorded. Motorcycle bearing No.PB-43-D-3599 was taken into possession. Car bearing No.PB-07-AG-6880 was also recovered and the pistol was also recovered.

Making out a case for regular bail, learned counsel for the

petitioner submits that the petitioner has been falsely implicated in this case on the basis of supplementary statement of the complainant and Mehtab Mann stating that the petitioner and co-accused confessed that they were the persons behind this occurrence. No recovery has been effected from the petitioner. Moreover, the co-accused of the petitioner namely Nasheel Kumar @ Mogli has already been granted the concession of bail by this Court vide order dated 16.09.2019 passed in CRM-M-28321-2019. He has not been attributed with any injury and considering the fact that he is in judicial custody since 15.01.2019, the concession of bail be extended to him.

Opposing the contentions tooth and nail, learned counsel for the State prayed for dismissal of the bail application alleging that the offence committed by the present petitioner and the co-accused was very serious in nature as they snatched the bag containing Rs.20 lakh and gave injury to Mehtab Mann by firing a gunshot on his right thigh. The petitioner is habitual offender as involved in four more FIRs.

This Court has heard the learned counsel for the parties and perused the file.

Admittedly, the petitioner is in custody since 15.01.2019. The petitioner is not named in the FIR. He has been nominated as an accused on the basis of supplementary statement of Mehtab Mann-injured recorded during investigation. No specific injury has been attributed to him. All the co-accused have already been admitted to bail and he is on bail in all other four cases as per the custody certificate.

Taking into consideration the totality of the circumstances and

without commenting on the merits of the case, it is considered as appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

**(SANT PARKASH)
JUDGE**

September 14, 2020
sonika

whether speaking/reasoned: Yes/No
whether reportable: Yes/No