

Sr.No.106

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

**CRM-M-38733 of 2020
Date of decision:24.11.2020**

Ravi @ Ravi Kant

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Jasjit Singh, Advocate
for the petitioner.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.218, dated 07.10.2020 registered under Sections 394, 451, 170, 323, 34 IPC and Sections 25 and 27 of Arms Act at Police Station Guru Harsahai, District Ferozepur.

The allegations which have been contained in the FIR are that present FIR was lodged on the basis of statement made by one Shiv Charan son of Inder Singh resident of Guru Harsahai that he is a crop agent(Aartiya) at Mandi and when he was present at his shop at sabji mandi Guru Harsahai and was doing the collection and then when he reached home at about 11:00 AM there were 2-3 unknown persons who were standing at the main gate of his house. Out of them one person was on motorcycle. They entered into his house after showing him their ID Cards as CBI officials and entered into his house and started searching here and there. During this period the person who showed him the ID Card of CBI Official pulled a revolver and put it on

his forehead and asked him about the entire gold which he had and threatened that otherwise he would kill him. Thereafter, in the meantime, they pulled two gold rings from his wife namely, Reema and the person also showed him the revolver and snatched Rs.50,000/- and pushed him and then he fired a shot to kill him but he raised his hand and ultimately bullet struck on the finger of his right hand and thereafter, due to hue and cry made by wife many people gathered there and two of the accused were over powered and apprehended at the spot, whereas the other two persons ran away from the spot.

Learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR and infact, he was not involved in the present case. He has further submitted that there is no evidence to show that the petitioner is involved in the present case and the name of the petitioner has been nominated only on the basis of disclosure statement made by the co-accused who was apprehended at the spot and therefore, he may be granted the concession of anticipatory bail.

Notice of motion.

On asking of the Court, Ms. Jaspreet Kaur, Asst. AG, Punjab accepts notice on behalf of the State and states that State has received the advance copy of the petition and she has also instructions from the police officials in this regard. Learned State counsel has submitted that infact the petitioner alongwith one another person fled away from the spot after commission of the crime and the other two persons were apprehended at the spot there and then they immediately gave the names of the present petitioner and the other co-accused who had run away from the spot and it

was on the basis of that the present petitioner name is nominated in the present FIR. Learned State counsel has further submitted that from the other co-accused who was apprehended from the spot recovery of Rs. 50,000/- and revolver has been made and as per the medical report five injuries were found on the body of the victim. She has further submitted that the argument raised by the learned counsel for the petitioner that the petitioner was not connected in the present case stands falsified from the fact that on the basis of investigation carried out so far the mobile number of the petitioner tallies with the place of the occurrence on the basis of the report of mobile towers and there are other sufficient material available to connect the petitioner with the present crime. She has further submitted that the allegations as per FIR and the investigation done by the police are very clear in nature. The accused had impersonated themselves as CBI officials and on the pretext of conducting a raid they committed the alleged offence and the investigation is still going on and therefore, in the present case the custody of the petitioner is required.

I have heard the learned counsel for the parties.

So far as the submissions made by learned counsel for the petitioner that the petitioner was apparently innocent because he was named only on the basis of the disclosure statement would not carry any weight in view of the submissions which have been made by learned State counsel. The petitioner's name was disclosed at the same time when the other co-accused were apprehended and the tower location with respect to the mobile of the petitioner as well as place of occurrence also tallies with each other. As per the FIR two persons were apprehended on the spot and two persons ran away. Therefore, it can not be said at this stage that the petitioner is

innocent only on the ground that it was on the basis of the disclosure statement of the co-accused that his name has been nominated. Otherwise also, as per the facts of the FIR the allegations seems to be serious in nature in view of the fact that allegedly all the accused had impersonated themselves as CBI officers and ultimately, they committed the present offence. Since the matter is at investigating stage and the argument raised by the learned State counsel the custodial investigation of the petitioner is required does carry weight.

In view of the above, I do not find any ground to interfere in the present case or to grant anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed.

However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

24th November, 2020

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No