

Yadwinder Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. J.S.Thakur, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 18.01.2021, the following order had been passed by this

court:-

“Case heard by video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks the concession of ‘anticipatory bail’, upon FIR no.13, dated 19.03.2020, having been registered at Police Station Sudhar, District Ludhiana, alleging therein the commission of offences punishable under Sections 307, 120-B, 506, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the allegation against the petitioner being that in a disclosure statement made by a coaccused, it was stated that the petitioner was the one who had sold a country made pistol as was used in the commission of the offence, in fact the petitioner was nominated only because he was a roommate of co-accused Amritpal Singh, with no other criminal antecedents and with him being a student (though he is 28 years old.).

Without making any comment on the aforesaid, notice of motion is issued, with Mr. Sarabjit Singh Cheema, learned AAG, Punjab, accepting notice on behalf of the respondent State, on the asking of the court.

Adjourned to 28.01.2021.

In the meanwhile, the petitioner is directed to join investigation and upon his doing so, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

A gazetted officer is directed to file a reply to the petition obviously answering the aforesaid contention raised, also giving therein the antecedents of the petitioner.”

Learned counsel for the petitioner submits that as a matter of fact,

the petitioner has simply been roped in in the FIR because at some earlier point

of time he was residing with a co-accused, Amritpal Singh; the basis of his inclusion in the context of the present FIR being on a disclosure statement allegedly made in police custody by one co-accused, Gurpreet Singh alias Ford, to the extent that the country-made pistol and the ammunition alleged to have been used in the occurrence were given to him by the petitioner, i.e. Yadwinder Singh.

Learned State counsel on the other hand points to the reply filed by the DSP, Dakha, showing therein that there were three other criminal cases registered against the petitioner alleging therein similar offences (alleged) to have been committed by him, though the FIRs in two cases were quashed on the basis of compromises reached with the complainants therein.

Learned State counsel therefore submits that looking at the background of the petitioner, though he has joined investigation pursuant to the order of this court, he does not deserve to be admitted to bail.

Having considered the matter, though otherwise learned State counsel would be correct in his contention, yet with the petitioner not stated to have been present at the spot of occurrence and the country-made pistol allegedly used in the occurrence having been “connected to him” on the basis of a disclosure statement allegedly made in police custody by a co-accused, without making any comment on the actual merits of the case, the petition is allowed with the order dated 18.01.2021, made absolute on the same terms and conditions.

February 10, 2021

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO