

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3952-2021 (O&M)
Date of Decision:-19.3.2021

Balwinder Singh @ Gill ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harchand Singh Batth, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jassa Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.180 dated 2.11.2020 at Police Station Bhikhiwind, District Tarn Taran under Sections 379-B and 120-B of Indian Penal Code.
2. The FIR was lodged pursuant to statement of Balwinder Singh son of Jarnail Singh, wherein it is alleged that on 2.11.2020 when he alongwith his father Jarnail Singh was going on a motorcycle after withdrawing an amount of ₹5.50 lakhs from State Bank of India, Bhikhiwind, then three young boys followed them on a motorcycle and waylaid them. It is alleged that the said boys were carrying 'datars' and gave a blow with a 'datar' hitting the head

light of motorcycle and on account of which he as well as his father fell down. It is further alleged that the said boys also inflicted a blow with 'datar' on the left thigh of complainant's father and snatched the bag containing the amount of ₹5.50 lakhs. It is the case of the prosecution that the matter was enquired into and investigated by the police during the course of which it was found that the entire drama of snatching of ₹5.50 lakhs from the complainant and his father was stage-managed in an attempt to avoid the payment of the lease amount to Harjit Singh from whom the complainant and his father had taken land on lease. It is further the case of prosecution that the petitioner Balwinder Singh @ Gill son of Lakhwinder Singh, Ranjit Singh and Gurdit Singh had connived with the complainant Balwinder Singh and his father Jarnail Singh for stage-managing the alleged robbery.

3. Learned counsel for the petitioner has submitted that in view of the investigation conducted by the police, it cannot be said that the petitioner had committed any robbery and at best the petitioner can be said to have connived with the complainant in furnishing false information regarding the alleged robbery, which infact had never taken place. It has been submitted that the petitioner at best can be held liable for an offence punishable under Section 182 IPC, which is a bailable offence.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner had connived with the complainant and his father in setting the police machinery into action so as to deprive Harjit Singh of the lease amount, no case for granting bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and is not wanted in any other case.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it would *prima facie* appear that it is not really a case under Section 379-B IPC but would be a case falling under Section 182 Cr.P.C. or perhaps a case of cheating, where the accused wanted to deprive Harjit Singh of the lease amount. The petitioner, in any case, has been behind bars since the last about 4 months and challan already stands presented. In these circumstances, further detention of the petitioner will not serve any useful purpose, who is not stated to be involved in any other case. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. It is, however, clarified that none of the observation made above shall be taken to be an expression on merits of the main case.

19.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No