

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

DECIDED ON: 29th JUNE, 2021

(1) CRM-M-22596 of 2021

Gurwinder Singh @ Ginder

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(2) CRM-M-19884 of 2021

Gurpal Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ashish Gupta, Advocate and Mr. Lupil Gupta, Advocate
for petitioners.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference
due to COVID-19 situation.

These are two petitions seeking regular bail in case of FIR No.
201 dated 12.12.2020, under Sections 399, 402 IPC and offence under
Section 411 IPC added vide DDR No. 37 dated 14.12.2020 and offence
under Section 400 IPC added vide DDR No. 25 dated 8.2.2021 and offence
under Section 25 of Arms Act, 1959, registered at Police Station Jaitu,
District Faridkot.

CRM-M-19884 of 2021 filed by Gurpal Singh, is the second petition. Earlier realizing that the Court was not inclined to grant bail, the petition was withdrawn on 3.3.2021 with liberty to revive the prayer at later stage.

The brief facts are that police received a secret information on 12.12.2020 that Gurwinder Singh @ Ginder, Gurpreet Singh @ Gopi Baba, Simerjeet Singh @ Simar, Jigarjot Singh @ Jigar, Pinka Singh, Gurditt Singh and Gurpal Singh are habitual offenders and break open Automatic Teller Machine (ATM). They have formed a gang and possess illegal deadly weapons. They are sitting in an abandoned place ground 150 yards away from West side of Dabrikhana Drain Bridge and were planning to break some ATM. The information was acted upon. Conversation was heard by the raiding party, they were planning to commit theft in ATM in Jaito. They were apprehended at the spot. There was recovery of parts and chassis of motor cycle which was snatched. There was also recovery of motor cycle. One small sword was recovered from Gurvinder Singh. Iron Pipe was recovered from Gurpal Singh. From other co-accused, one hammer, iron pipe, one iron rod, kit comprising of oxygen cylinder, regulator, small LPG gas cylinder and gas cutter were recovered.

During investigation, on disclosure some more co-accused were also nominated.

Learned counsels for petitioners contend that custody of petitioners is more than six months and challan has been presented. Hence, it is a fit case for grant of bail.

Learned State counsel vehemently opposes the grant of bail. It is submitted that Gurwinder Singh @ Ginder is involved in 11 more cases whereas Gurpal Singh is involved in two more cases. Charges are yet to be

Learned counsel for petitioner-Gurwinder Singh @ Ginder at this stage submits that in some of the cases, the petitioner has been granted bail.

Learned counsel appearing for petitioner-Gurpal Singh submits that the petitioner is on bail in both other cases.

The petitioners cannot be granted bail merely considering the custody period.

Pendency and involvement in other FIRs are definitely an indicator about the antecedents of the petitioners. The allegations are serious. In such cases, the individual recovery is not to be considered in isolation. The recoveries made from all the accused when considered in totality support the case set up against the accused. No case is made out for grant of bail.

The petitions are dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29th JUNE, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>