

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

**CRM-M-25536 of 2020(O&M)
Date of Decision: 26.10.2021**

Bhupinder Singh @ Mithu

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.284 dated 05.11.2019 under Sections 379-B (2), 34 IPC and Section 25 of the Arms Act (Sections 201,326,480,490,120-B IPC added later on), registered at P.S Civil Lines, District Amritsar.

FIR was registered on the complaint of Rahul Kumar, who stated that he was working in office of Dhanlav Forex Pvt Ltd, Amritsar for the last 10 years, the owners of which are Bhupinder Kumar and Sachin Kapoor. They were in the trade of money exchange. On 05.11.2019, at about 4.00 p.m, when the complainant along with his owner Bhupinder Kumar was in the office, two boys with trimmed hair came there. One of them was wearing a helmet with an handkerchief tied around his face. The other boy had a cap on his head and his face was also covered with a handkerchief. One of them was armed with a pistol. The other had a knife in his hand. They entered the office and threatened the owner-Bhupinder Kumar to hand over everything to them. The assailant who was armed with the knife inflicted knife blows in the stomach and other parts of body of Bhupinder Kumar. Upon alarm being raised, both of them snatched Bhupinder Kumar's mobile and fled away on their motorcycle. When the complainant and Bhupinder Kumar tried to catch

the assailants the boy with the pistol, hit on the head of Bhupinder Kumar with butt of pistol. Meanwhile, people gathered there. But the assailants managed to escape on their motorcycle. The complainant took Bhupinder Kumar to Sukh Sagar Hospital, Amritsar on his motorcycle. There he was given first aid and was referred to Civil Hospital, Amritsar.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the case. As per the allegations in the FIR two persons with muffled faces had entered the office, snatched his mobile, caused injuries to Bhupinder Kumar and escaped on their motorcycle. Therefore, the alleged identification of the petitioner by the complainant is demonstrably false. The petitioner is in custody since 22.11.2019. Investigation in the case is complete and no useful purpose will be served by his continued detention till the completion of the trial.

Sh. Ramandeep Sandhu, Sr. DAG appearing for the State on the basis of the affidavit of Sarabjit Singh PPS, Assistant Commissioner of Police North, Amritsar City submitted that during the course of investigation the CCTV footage of the place of the crime and photographs of the accused were taken into possession. Statement of injured Bhupinder Kumar who was under treatment at Amandeep Hospital was recorded on 09.11.2019. He stated that during the scuffling with the accused the helmet of one of the accused had fallen off his head and the handkerchief covering his face got removed. The cap and handkerchief of the other accused also fell. Therefore, he had occasion to see them and could identify them.

On 22.12.2019 a police party was conducting checking of vehicles near Basant Avenue, Amritsar. The petitioner and co-accused Gurleen Singh were seen coming on a motorcycle without a number plate.

They were apprehended. One country made pistol .12 bore loaded with one

live cartridge was recovered from Gurleen Singh who was riding the motorcycle. The mobile phone make Oppo color golden which was snatched from Bhupinder Kumar was also recovered from Gurleen Singh. One *Kamanidar* knife was recovered from the inner pocket of the jacket of the petitioner who was the pillion rider.

The complainant Raj Kumar and injured Bhupinder Kumar have identified both the accused. The motorcycle on which they were riding was found to have been stolen by them.

Sh. Sandhu stated that in the incident Bhupinder Kumar had sustained three injuries. The injury in the abdomen alleged to have been caused by the petitioner was grievous in nature.

It is also pointed out that the petitioner and co-accused are habitual offenders and are accused in three other cases of similar nature.

The investigation in the case is complete. Challan has been filed and trial has commenced. Out of total 26 prosecution witnesses, five have already been examined.

Considering the nature of the allegations and the antecedents of the petitioner and the stage of the trial, no ground is made out for grant of bail to the petitioner at this stage.

Petition dismissed.

It is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

October 26, 2021

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No