

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

CRM-M-33932-2021 (O&M)

Date of Decision:-24.8.2021

Tarun Verma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prashant Bansal, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab,
assisted by SI Jasvir Kaur.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.109 dated 11.4.2021 at Police Station Focal Point, District Police Commissionerate, Ludhiana under 307, 379-B, 34 of Indian Penal Code and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Sanjay Kumar, wherein it is alleged that he is working as a Manager at Vankia International Indian Oil Petrol Pump, Khuaara Sahnewal Road, Village Jandialan, Ludhiana. It is alleged that on the day of occurrence he alongwith Sandeep Kumar, Ravinder

Singh, Ankit Kumar and Sushil Kumar were present at the petrol pump. At about 4:30 p.m., three persons, who had their faces muffled, came on a motorcycle. They got their motorcycle refueled for an amount of ₹830/- and gave a currency note of ₹2,000/-. While the salesman Sandeep Kumar was returning the balance amount, the said three persons took out their pistols and tried to snatch the cash from Sandeep Kumar and also fired at the complainant and others and that one of the shot hit Sandeep Kumar on his leg. Thereafter, the accused snatched the cash amount of ₹51,336/- and fled away from the spot.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and nor the registration number of the motorcycle has been mentioned anywhere and that infact he was not even present at the spot as would be evident from the CCTV footage installed near the residence of the petitioner.
4. Opposing the petition, learned State counsel has submitted that after the FIR came to be lodged, a secret information was received to the effect that three motorcycle borne persons were Akshay, Vishal and Prince. Learned counsel has further submitted that the secret information was further to the effect that two more persons i.e. Tarun Kumar (petitioner) and Nitish had also accompanied the aforesaid three and were present just near the petrol pump on their motorcycle and were acting as a back-up to support the other three accused. The information was further to the effect that Tarun Kumar and Nitish had earlier made a recce of the place of occurrence so as to enable the commission of offence. Prayer has thus been made for dismissal of the petition. Learned State counsel has, however, informed that the petitioner as

on date has been behind bars since the last about 6 months and that challan already stands presented wherein 21 PWs have been cited. Learned State counsel has further informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR and is subsequently stated to be nominated on the basis of some secret information stated to have been received by the police. Even if the said secret information is taken to be correct, still the only role attributed to the petitioner is that he had committed a recce of the place of occurrence and that on the day of occurrence he remained just outside the petrol pump. In any case, the challan already stands presented and the trial in its normal course is not likely to be concluded in immediate future as the trial has not even commenced inasmuch as charges are yet to be framed and 21 PWs have been cited. Further the petitioner is not even stated to be involved in any other case. As such, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No