

CRM-M-33704-2020

Date of Decision:14.10.2021

Jaspal Bhatti @ Jassa

.....Petitioner

Vs.

State of Punjab

....Respondent

CRM-M-37941-2020

Raj Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CRM-M-19450-2020

Gagandeep Singh @ Gagan

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashish Pal Kaushik, Advocate,
for the petitioner in CRM-M-33704-2020

None for the petitioner in CRM-M-37941-2021

Mr. Sanjeev Arora, Advocate,
for the petitioner in CRM-M-19450-2020.

Mr. H.S.Multani, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

By these petitions, the petitioners seek the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.28, dated 23.01.2020, having been registered at Police Station City Faridkot, District Faridkot, alleging therein the commission of offences punishable under the provisions of Sections 25/27 of the Arms Act.

On 16.09.2021, the following order was passed by this court.

“Case heard via video conferencing.

Though learned counsel appearing for one of the petitioners in these cases submits that he has received a copy of the reply filed by the State, however, actually, it is not seem to be on record. Adjourned to 14.10.2021. Learned State counsel would file a common reply to all these petitions, with a gazetted officer to specifically state as to whether the complainant/other bank officials have identified the petitioners at any stage or not. A photocopy of this order be placed on the file of the other connected cases.”

[It is seen that it has been erroneously typed in the said order that it was passed on 16.09.2019, though even an order prior thereto was passed on 17.08.2021. Consequently, the order dated September 16, 2019 has been corrected under the signatures of this court by hand, with learned counsel for the petitioners also very fairly submitting that the order was actually passed on that date. Therefore, the said order as has been uploaded on the website of this court be deleted and the order with the corrected date uploaded.]

Pursuant to the aforesaid order, an affidavit dated 13.10.2021 has been filed in court by the learned State counsel, executed by the DSP, Sub Division, Faridkot.

Learned State counsel draws attention to paragraph 4 thereof, which reads as follows:-

“4.....The photographs clearly depicted the identity of culprits. With the help of photographs, police has got inputs from its secret source and nominated present petitioners namely Gagandeep Singh alias Gagan son of Jarnail Singh R/o Kameana, Raj Singh alias Raju son of Sampuran Singh R/o Nupur, Jaspal Singh alias Jassa R/o Mukhu as accused in this case vide DDR No.12 Dated: 22-02-2020.”

Learned counsel for the petitioners however draws attention to the cross-examination of PW1, i.e. the complainant (Gurpreet Singh), a copy of which they have produced in court today, to specifically point to what has been stated by him on 29.09.2021, (he earlier having testified on 24.02.2021, and 19.04.2021), which reads as follows (amongst other things):-

“.....The police informed and showed the accused after one month of the incident. I never knew by name or face of the accused. The police only showed us the accused in the police station and no where else and thereafter I have only seen the accused in the Hon'ble Court and no where else. I do not know if accused Gagandeep Singh was present in his office of Markfed on the alleged day of incident from 9 AM to 5 PM which office is situated opposite to the house of Mr.Kikki MLA. I have not got exhibited any photographs etc.in my chief examination. The accused have been named by the police and not by us. I used to go for recovery at different places from the customer daily or by gap of one or two days. Which recovery is also made in the different villages where the customer used to reside. Police took my signatures in police station on the next day of the incident but I cannot tell if it was morning, noon or evening. I do not know if police thereafter took my signatures or not. I do now know what kind of papers were got signed from me and what was recorded therein. It is incorrect to say that I being bank official was made to make statement as desired by the senior and and I am depositing false. It is incorrect to say that I am made up witness”

Without making any comment on the actual merits of the case, with the DSP having stating on affidavit that photographs as were obtained from the CCTV footage clearly depict the identity of the culprits, on the basis of which inputs were received and the present petitioners were named as accused in the FIR, I would find no ground to entertain these petitions, though the petitioners are stated to be in custody for more than 1 year, but with there also shown to be two other FIRs registered against each of the petitioners, as per the affidavit of the DSP.

Consequently, these petitions are dismissed at this stage, with the trial court directed to ensure that the trial is expedited.

Mr. Kaushal, learned counsel for the petitioner (Jaspal Bhatti alias Jassa, in CRM-33704-2020), has also argued that no recovery has been made from the said petitioner. Even so, in view of the affidavit of the DSP, the order passed hereinabove is maintained.

Naturally, whether the evidence led by the prosecution to establish the identity of the petitioners as the 'culprits', is authentic and believable evidence or not, would be seen by the trial court wholly on the basis of such evidence led, *de hors* any observations made by this court in any order passed in this petition.

(A photocopy of this order be placed on the files of the each case).

October 14, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO