

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

CRM-M-7660-2021 (O&M)

Date of Decision:- 21.2.2022

Gaurav Handa and another	Versus	 Petitioners
State of Punjab and another		... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep S. Bedi, Senior Advocate with
Ms. Gagandeep Kaur, Advocate, for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Harnek Singh.

Mr. Vaibhav Sehgal, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-24922-2021

In view of the reasons mentioned in the application, the same is allowed and Mr. Raj Kumar is ordered to be impleaded as respondent No.2. Amended memo of parties annexed with the application is taken on record.

CRM-M-7660-2021 (O&M)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No. 160, dated 7.12.2020, Police Station Dehlon District Police Commissionerate Ludhiana, under Sections 307, 34, 120-B, 427 IPC and Section 25 of Arms Act.
2. This Court, vide order dated 1.9.2021 passed the following order:

“The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR

No.160 dated 7.12.2020 at Police Station Dehlon, District Police Commissionerate Ludhiana under Sections 307, 34, 120-B, 427 of Indian Penal Code and Section 25 of Arms Act.

The allegations, in nutshell, are that the complainant was attacked by 3 persons, who had their faces muffled, in the morning at about 7:00 a.m. At the time, when the FIR was recorded, the complainant got recorded in the FIR that he suspected that Karan Walia was amongst the 3 assailants and that he had identified him upon watching the CCTV footage installed in his house.

Later the complainant Sushil Kumar made a supplementary statement on the same day itself after the FIR was lodged, wherein he stated that the culprits are Karan Walia and Sandeep Singh and one more unidentified person and that the attempt on his life was a result of conspiracy hatched by Surjit Singh Walia, Gaurav Handa, Simranjot Singh, Deepak Prakash and Rishabh Benipal and that his neighbour Jyoti has been passing on information to the said persons.

Since, even as per the FIR and the supplementary statement, the petitioners are not amongst the assailants, who had fired at the complainant and the petitioners are sought to be nominated being conspirator, the State to furnish information as to whether there was any exchange of telephone calls amongst the petitioners Gaurav Handa and Deepak and Karan Walia on the day of occurrence before the incident in question or after the incident in question.

List on 24.11.2021.

Interim directions, if any, to continue.”

3. Learned State counsel has informed that pursuant to aforesaid directions, the petitioners have joined investigation and they are not

required for custodial interrogation. It has also been informed that petitioner-Gaurav Handa has furnished his voice sample.

4. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that even as per the allegations levelled in the FIR and also the supplementary statement, the petitioners were never present at the spot when some assailants are alleged to have fired at the complainant and that they have been nominated subsequently allegedly being the conspirators.
5. On the other hand, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the petition on the ground that since the petitioners by conniving and conspiring with the co-accused had facilitated the commission of crime and an attempt had actually been made to murder the complainant, no case for grant of bail is made out. Learned counsel for the complainant has further pointed out that petitioner No.1 stands involved in another FIR of identical nature wherein also allegations are to the effect that the petitioner had conspired for making a murderous assault on the complainant. Learned State counsel has informed that petitioner-Gaurav Handa is wanted 7 other FIRs as well.
6. I have considered the aforesaid submissions addressed before this Court.
7. It is not in dispute that the petitioners are not alleged to have fired at the assailant and infact are not stated to be present at the spot. They have been nominated subsequently on the basis of a supplementary statement wherein allegations have been levelled to the effect that

they had conspired with the other accused for the purpose of making a murderous assault on the complainant. The petitioners are stated to have joined investigation and petitioner-Gaurav Handa has furnished his voice samples as well.

8. In view of the aforestated position, this Court does not find it to be a case of custodial interrogation, particularly when petitioners have also joined investigation and have cooperated with the investigation. The petition is accepted and interim directions issued by this Court vide order dated 1.9.2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

21.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No