

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

**Criminal Misc. No. M-19759 of 2022
Date of Decision:-13.05.2022**

Gagandeep Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. P.S. Brar, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

PANKAJ JAIN J.(Oral)

By way of present petition, the petitioner seeks grant of regular bail in case FIR No.078 dated 13.04.2022, under Sections 399, 402 and 411 IPC read with Section 25/27 of Arms Act, registered at Police Station City Malout.

Learned counsel for the petitioner refers to FIR (Annexure P-1) to contend that four persons were booked for offences punishable under Sections 399 and 402 IPC and out of the said four persons, on disclosure of one Sukhwinder Singh @ Sukh, the petitioner has been apprehended on the allegations that he was facilitating the crime by providing weapon, which was to be used in the crime.

On the other hand, learned State counsel submits that the

petitioner, herein, as per the disclosure statement, is one of the facilitator and thus he is also liable for offences punishable under Sections 399, 402 and 411 IPC.

I have heard learned counsel for the parties and with their able assistance gone through the contents of the FIR, which reads as under :-

“Sir, today, I along with other police officials was present in Bathinda Chowk where a special informer informed me, Sukhdev Singh @ Teji s/o Parghat Singh, r/o Village Khakhanwali, Sukhwinder Singh @ Sukh s/o Lakhwinder Singh r/o Karamgarh, Ranjit Singh s/o Mahender Singh r/o Mahavir Basti on the back side of Hanuman Mandir Malout, Manpreet Singh @ Manna s/o Pipal Singh r/o Enakhera and Yash Kumar s/o Anil Kumar r/o Adarsh Nagar Malout are present at the ground on the back side of the Hotel of Bus Stand an armed and planning to commit dacoity, if, raid is conducted they can be arrested along with the weapon. The information is reliable, so, they are planning to commit dacoity is covered under Sections 399/402 IPC, so, the ruka is sent for registered a case against Sukhdev Singh @ Teji, Sukhwinder Singh @ Sukh, Ranjit Singh, Manpreet Singh @ Manna and Yash Kumar through PHC Munna Lal. I am present at the spot. Sd/- Harbans Singh, ASI, P.S. City Malout. 13.04.2022 at 10:30 PM, Bathinda Chowk, Malout.”

From the bare perusal of the contents of the FIR, it is clear that the petitioner is not named to be one of the persons, who were participating in attempting the crime punishable under Sections 399/402 IPC. The FIR itself is based on some secret information. The petitioner further has been booked on the basis of disclosure statement made by one of the accused that

too on the ground that the weapon, which was to be used for commission of the crime, was to be supplied by the petitioner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 13, 2022
Vijay Asija

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No