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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29575-2022
Date of Decision: 01.12.2022

(I)

Gurpreet Singh @ Gopi

Versus

State of Punjab

.....Petitioner

..... Respondent

(II)

Ashish Aggarwal

Versus

State of Punjab

CRM-M-34075-2022

....petitioner

.....respondent

(III)

Jagdish Singh

Versus

State of Punjab

CRM-M-35076-2022

....petitioner

.....respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Suneet Pal Singh Aulakh, Advocate
for the petitioner in CRM-M-29575-2022.

Mr. Tarun Deep Kumar, Advocate
for the petitioner in CRM-M-34075-2022.

Mr. Liaqat Ali, Advocate
for the petitioner in CRM-M-35076-2022.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

All the three cases are taken up together with the consent of

learned counsels for the parties since the prayer made in all the three cases is

for grant of regular bail which arise out of the same FIR. All the above mentioned three petitions have been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.163 under Sections 392, 411, 473, 120-B and 34 IPC (Sections 25/54/59-Arms Act were added later on and Section 379-B was deleted) registered at Police Station PAU, Ludhiana, District Ludhiana.

Learned counsels for the petitioners have submitted that it is a case where all the three petitioners are in custody for more than 1 year and the police has already completed the investigation and thereafter the trial has commenced and 7 witnesses have already been examined including the complainant. He submitted that the allegation against the petitioner was that the two petitioners namely, Gurpreet and Jagdish collectively entered into a shop belonging to the complainant and looted some jewellery items of gold and some cash. They submitted that in the FIR the name of the petitioners is not mentioned but is against the unknown persons. But thereafter for about 1 month, the petitioners Gurpreet and Jagdish were arrested and on their disclosure statement, the petitioner, namely, Ashish Aggarwal in CRM-M-34075-2022 was also arrested. They submitted that there is no link evidence with the present petitioner especially in view of the fact that after a gap of one month, the petitioners are arrested and the police has shown some recovery of jewellery and some arms from the car after a period of one month. They submitted that so far as the recovery of some jewellery items from the house of petitioner Gurpreet @ Gopi is concerned the same comprise of 5 silver coins, 2 artificial rings and one artificial chain and two white gems. Learned counsel

appearing on behalf of Gurpreet Singh @ Gopi submitted that these items are otherwise also available in the household especially the artificial jewellery and the silver coins. So far as the recovery from the car belonging to Jagdish is concerned, the learned counsel appearing on behalf of Jagdish submitted that after a gap of one month the said alleged recovery has been made which according to the prosecution was, one 32 bore pistol and 6 live cartridges which they purchased from the co-accused Ashish Aggarwal and in this way the other co-accused was nominated on the basis of the disclosure statement of the co-accused.

All the learned counsels for the petitioner(s) submitted that the petitioners are not habitual offenders and they are not involved in any other case. However, the petitioner, Ashish Aggarwal was earlier involved in 3 cases out of which in two cases he has already been acquitted by the Court of Gwalior and only one case is pending which otherwise pertains to Section 363, 342, 376, 358, 506 IPC and SC ST Act. Therefore, in view of the aforesaid facts and circumstances, the petitioners may be considered for grant of regular bail.

Mr. Kunal Vinayak, AAG, Punjab, on instructions from ASI Amrik Singh, stated that it is correct that all the 3 persons have faced incarceration for more than one year and now 7 witnesses including the complainant have been examined. He submitted that in view of the recovery which has been effected and the fact that they had committed a robbery in a shop which is a serious offence, they are not entitled for the grant of regular bail .

I have heard the learned counsel for the parties.

All the petitioners are in custody for more than one year. The petitioners are stated to be not involved in any other case except for one case in which one of the petitioner namely, Ashish Aggarwal is facing trial under Sections 457, 380, 511-IPC at Gwalior. During the course of arguments, it was also pointed out by the learned counsel for the parties that initially when the FIR was registered, Section 379 B was also inserted but thereafter it has been deleted and Sections 392, 411, 473 and 120-B IPC and Arms Act were added later on and in this way the present case is triable by Magistrate. Since the material witnesses have already been examined and the trial of the case may take long time, this Court deems it fit and proper to grant bail to all three petitioners.

Consequently, all the three petitions are allowed. The petitioners shall be released on regular bail, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition.

01.12.2022
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(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No