

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39322-2022

Date of decision :16.12.2022

Bhupinder Singh alias Mithu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Amit Arora, Advocate
for petitioner.

Mr. V.G. Jauhar, Additional A.G. Punjab.

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HARINDER SINGH SIDHU, J.

This is 2nd petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 284 dated 5.11.2019 registered under Sections 379 B(2), 336, 34 IPC and Section 25 of Arms Act, 1959 (Offences under Sections 411, 326, 450, 489, 201, 120 B IPC and Section 27 of Arms Act added later on and Section 34 IPC deleted later on) at Police Station Civil Lines, Amritsar.

FIR was registered on the complaint of Rahul Kumar who stated that he was working in office of Dhanlav Forex Pvt. Ltd. Amritsar for the last 10 years, the owners of which are Bhupinder Kumar and Sachin Kapoor. They were in the trade of money exchange. On 5.11.2019 at about 4.00 pm, when the complainant alongwith his owner Bhupinder Kumar was in the office, 2 boys with trimmed hair came there. One of them was wearing a helmet with an handkerchief tied around his face. The other boy had a cap on his head and his face was also covered with a handkerchief. One of them was armed with a pistol. The other had a knife in his hand. They entered the office and threatened the owner Bhupinder Kumar to hand over everything to them. The assailant who was armed with knife inflicted knife blows in the stomach and other parts of body of Bhupinder Kumar. Upon alarm being raise, both of them snatched Bhupinder Kumar's mobile and fled away on their motorcycle.

When the complainant and Bhupinder Kumar tried to catch the

assailants, the boy with the pistol hit on the head of Bhupinder Kumar with butt of pistol. Meanwhile, people gathered there. But the assailants managed to escape on their motorcycle. The complainant took Bhupinder Kumar to Sukh Sagar Hospital, Amritsar on his motorcycle. There he was given first aid and was referred to Civil Hospital, Amritsar.

During the course of investigation, the CCTV footage of the place of the crime and photographs of the accused were taken into possession. The statement of injured Bhupinder Kumar who was under treatment at Amandeep Hospital was recorded on 9.11.2019. It is stated that during the scuffling with the accused, the helmet of one of accused had fallen off his head and the handkerchief covering his face got removed. The cap and handkerchief of the other accused also fell. Therefore, he had occasion to see them and could identify them.

It is the case of the prosecution that on 22.12.2019, a police party was conducting checking of vehicles near Basant Avenue, Amritsar. The petitioner and co-accused Gurleen Singh were seen coming on a motorcycle without a number plate. They were apprehended. One country made pistol .12 bore loaded with one live cartridge was recovered from Gurleen Singh who was riding the motorcycle. The mobile phone make Oppo color golden which was snatched from Bhupinder Kumar was also recovered from Gurleen Singh. One kamanidar knife was recovered from the inner pocket of the jacket of the petitioner who was the pillion rider.

Mr. Bahri, learned Additional A.G. Haryana contended that in the incident Bhupinder Kumar had sustained 3 injuries. The injury in the abdomen has been caused by petitioner and was grievous in nature. He also stated that the petitioner and his co-accused are involved in 3 other cases of similar nature.

Mr. Arora, learned counsel for petitioner states that the petitioner is in custody since 25.12.2019 i.e. almost 2 years, 11 months and 26 days. The trial of case has not made any headway inasmuch as out

of 26 witnesses, only 7 have been examined so far. The co-accused Gurleen Singh alias Gagan has already been ordered to be released on bail vide order dated 1.8.2022 passed in CRM-M-29303-2021.

Considering the period of custody and the fact that co accused of petitioner Gurleen Singh alias Gagan has already been ordered to be released on bail and also the fact that only 7 witnesses out of 26 have been examined so far, no useful purpose will be served by detaining the petitioner behind bars any further. Accordingly, petition is allowed. Petitioner Bhupinder Singh alias Mithu is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is made clear that if the petitioner during the bail period is involved in offence of similar nature, his bail is liable to be cancelled.

(HARINDER SINGH SIDHU)
JUDGE

16.12.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No