

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

CRM-M-49669-2021 (O&M)
Date of Decision:- 1.4.2022

Ravi Singh Gill alias Ghaint Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Param Preet Singh Brar, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Baljinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.211, dated 18.9.2021, Police Station Baghapurana, District Moga, under Sections 379-B/34 IPC and Sections 25 and 27 of Arms Act.
2. The FIR was lodged at the instance of Jawinder Singh wherein it is alleged that he is running a shop in the name and style of Ekam Jewellers at village Tharaj. On 18.9.2021, at about 3:30 p.m, he was working at his shop and in the meanwhile, two young persons came on a Platina motorcycle and entered in his shop after parking said motorcycle outside the shop. One of them was wearing white shirt

and blue white lining lower and had embossed Tatoo of rose on his right hand and was wearing golden ear ring of the shape of moon in his left ear and the other person was of wheatish colour and was wearing check shirt of blue colour and pant of the same colour and was wearing ear pin in his left ear and both of them were of the age of 20-22 years and they while entering told him that there is a marriage in their house and they have to purchase gold and silver ornaments and their family is following them and after hearing to them, he took out one gold set from the safe consisting of one pair of ear rings, one ring and necklace and showed it to them and the person wearing black clothes, took out a pistol from the dub and pointed out on him and told him to handover whatever he was having, otherwise he would face dire consequences. At this he under fear, took out purse from the back pocket of his pant and showed to them which was containing Rs. 10,000/-, voter card, Pan card, driving license and Adhar Card and gold weighing about 2-1/2 tollas, ornaments silver weighing 700 grams and Rs. 20,000/- and Oppo Mobile of the value of Rs. 15,000/- which they snatched from him after pointing the pistol at him and thereafter, fled away on their motorcycle.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has been falsely implicated in the present case and came to be nominated as an accused subsequently on the basis of a supplementary statement of the complainant wherein he stated that upon making inquiries he had come to know about the names of two persons. It has been submitted that the identically situated co-

accused has already been granted bail by the trial Court vide order dated 16.11.2021 after he had barely remained in custody for 2 months and in these circumstances the petitioner who has already been behind bars for the last about 5 months deserves the same concession of bail on the grounds of parity.

4. On the other hand, learned State counsel while opposing the petitioner has submitted that since the petitioner happens to be involved in 3 other cases, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court and have also perused the particulars of the other cases stated to be pending against the petitioner.
6. Having regard to the totality and the facts and circumstances of the case particularly the fact that the petitioner has been behind bars for the last more than 5 months and identically situated co-accused has already been released on bail, the petition merits acceptance. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

1.4.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No