

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

Criminal Misc. No.M-95 of 2022(O&M)

Date of Decision: September 14, 2022

Gagandeep Singh @ Gagan Judge

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.R.Kartikeya, Advocate
for the petitioner.

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

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.51 dated 17.02.2020 under Sections 392, 395, 379-B, 342, 120-B, 212, 216, 201, 450, 148, 149 IPC and 54, 59, 25 IB(F) Arms Act, Police Station Division No.6, Ludhiana.

The FIR was lodged on the statement of Harpreet Singh, who stated that he is posted as Manager in IIFL Gold Loan, Gill Road Branch for the last about three years. In the Branch, four boys and two girls are working. On 17.02.2020 at about 10.30 A.M., the complainant and one Azhar opened the Branch. After some time, when the complainant came from the washroom, two boys were standing at the gate of the Branch. Their height was around 05 feet 11 inches. They were wearing pink colour sweat shirts with hoods covering their heads. They were also wearing medical

masks on their faces. One of those boys kept one knife like object on the neck of the complainant. The other boy who was holding a pistol in his hand caught hold of Versha- a staff member. By hurling threats at the staff members they took out the keys of the locker from the drawer. They forced the complainant and Amit to open the locker. Then they took out the entire jewellery weighing about 30 kilograms gold and Rs.3 lacs and put the same in their bags. The complainant and his companions were tied with rope, etc. The accused also broke the CCTV cameras and took away the DVR along with them.

Ld. counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. He was not even named in the FIR. The investigation is already complete and the Police has filed the Challan. The petitioner is behind bars since 12.03.2020.

Reply by way of affidavit dated 04.08.2022 of Jyoti Yadav, IPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana has been filed. It is stated that Vibhor Kumar, PPS, DSP, Organised Crime Control Unit, Mohali was present in his office at Mohali on 12.03.2020. He received secret information that gangster Gagandeep Singh @ Gagan Judge (petitioner), who was wanted in many cases of murder, dacoity, snatching, etc. is roaming near the Mohali-Chandigarh boundary to commit a serious crime. The Police party headed by DSP Organised Crime Control Unit, Mohali came into action and apprehended the petitioner from the market of Sector-36, Chandigarh along with one car No.PB-46R-6147. Cash of Rs.33,60,000/-, one Pistol, 50 live cartridges, one knife, 3 walky-talky

(small radio transmitter and receiver) sets along with batteries and head phone, one shutter cutter, one folding steel rod, two steel chaupers, 3 Combat Jungle knife, 12 pieces strings, 8 pair hand covers (gloves), 3 face masks, one gold melting machine, one wireless set along with battery and charger were recovered from him. During interrogation, he got recovered 01 Kg 548 Gms gold out of the looted golden ornaments of IIFL Gold Loan Bank Branch, Gill Road, Ludhiana. He also disclosed that he along with his companion gangsters, namely Chandan Kumar @ Chandu, Jaipal Singh, Amritpal Singh, Pardeep Singh, Gursewak Singh had committed the robbery in IIFL Gold Loan Bank Branch, Gill Road, Ludhiana. One Harpreet Singh helped them before and after robbery. They stayed in the house of Harpreet Singh.

The reply further states that Test Identification Parade was got conducted and the petitioner was identified by the complainant. It is further stated that apart from the present case, 17 FIRs have been registered against the petitioner. These include six cases under Section 307, etc. IPC, One under Section 308, etc. IPC. The other cases are under Sections 399/402, 379-B/384/392, 420/467/468, etc. IPC and Sections 25 and 27 of the Arms Act and Sections 15/16/17/18/18-B of Unlawful Activities (Prevention) Act, etc. He has been declared Proclaimed Offender in two cases by the Trial courts.

The reply also states that during investigation, offences under Section 395/379-B/120-B/201/212/216 IPC have been added in the case. Other accused Gurpal Singh Banti, Chandan Kumar @ Chandu, Gursewak

Singh, Gursimrat Singh @ Simmer and Sikander Singh have been arrested in this case. One accused, namely Jaipal Singh Bhullar has died and one accused Bhupinder Singh is still to be arrested in this case.

After the completion of investigation, challan against the petitioner and other accused has been presented in the Court at Ludhiana on 11.06.2020. Charges have not yet been framed so far by the Ld.Trial Court against the accused persons.

Considering all the circumstances of the case, the seriousness of the allegations, the stage of the case and the antecedents of the petitioner there is no ground to grant bail to him.

Dismissed.

September 14, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No