

202 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-317-2022

Date of Decision: 24.02.2023

SOURABH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Dhruv Gupta, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.

The petitioner is seeking anticipatory bail in the case bearing FIR No.66 dated 21.03.2021 under Sections 395 IPC and 450/342/473 IPC (added lateron) and Sections 25/27 of the Arms Act registered at Police Station Civil Lines, District Police Commissionerate, Amritsar.

Short reply by way of affidavit of Varinder Singh Khosa, Assistant Commissioner of Police, North, Amritsar City on behalf of the respondent-State has been placed on record.

The FIR has been registered on the basis of the statement of the complainant-Ashish Arora alleging that he is working as a Goldsmith and about 2/3 days prior to the occurrence, he had kept a domestic servant, namely, Dipesh Bahadur in his house. Besides the complainant, his mother Kavita Arora, father Kishan Arora and maternal grand father Prem Kant are also residing in the house. On 21.03.2021, at about 11:00 A.M., the family members were present in the house and the servant had gone to the market to purchase some articles. The main gate of the house was open. The complainant was present in the bed room on the upper portion of the house and the other family members were present downstairs. The complainant heard lot of cries and loud barking of the dog. He came downstairs and saw that 5/6 persons armed with pistols had overpowered his mother, father and maternal grand mother. They also caught hold of the complainant and threatened to kill them in the event they raised alarm. The rooms, almirahs and beds were searched and the assailants removed gold, jewellery and

cash from the house. They also forcibly took the golden bangle and ring worn by the father of the complainant. The complainant and his mother were taken to the upper portion of the house and forcibly made him to open the safe in the bedroom of the house. The assailants took away the gold jewellery worth 700 grams. Dipesh Bahadur also returned back from the market alongwith a plumber, who was called for some work. The assailants locked all the inmates of the house in the bathroom. Dipesh Bahadur also informed that an i-20 white colour car was also standing outside of the house.

Learned counsel for the petitioner contends that the petitioner is resident of Ambala and the occurrence took place at Amritsar. At the time of occurrence, the petitioner was present at Ambala as the mobile phone never indicated his location at Amritsar. Moreover, the petitioner has been nominated in pursuance of the disclosure statement of the co-accused and has also joined the investigation in pursuance of the interim directions.

Learned State counsel has also submitted that during the course of the investigation, the petitioner had made voluntary statement acknowledging his guilt in the commission of crime. The petitioner alongwith co-accused in a planned manner had switched off their mobile phones while they entered the territory of Punjab State to commit the crime. The petitioner has been duly identified by the complainant and eye witness. The allegations against the petitioner are serious and his custodial interrogation is essential for proper investigation of the case.

It is significant to note that as per the allegations, 05/6 persons armed with pistol had committed dacoity in the house of the complainant. They had also restricted the the movement of the complainant and other family members and threatened to kill them. The assailants were armed with firearms and they had committed dacoity and taken away golden jewellery worth Rs.23/24 lac from the house of the complainant.

The reply filed by the learned State counsel specifically indicates that

the petitioner alongwith the other co-accused had made a planing before coming to Amritsar that no one will use the mobile phones. The mobile phones of all the accused were switched off before entering Punjab State. Consequently, the location from the mobile phones was not found at the place of occurrence.

It is significant to note that during the course of investigation, the identification of the petitioner was made by the complainant and other eye witnesses namely Kavita Arora and Kishan Arora, as one of the persons who committed dacoity at their house. Furthermore, merely because in pursuance of interim directions, the petitioner has joined the investigation cannot be termed to be a circumstance to grant concession of anticipatory bail to the petitioner in the event the material on record indicates the commission of serious offence and complicity of the petitioner therein. The petitioner alongwith co-accused had committed dacoity in the house of the complainant, they were armed with firearms, restricted the movement of the complainant and elderly family members and committed dacoity of about 700 grams of golden jewellery value whereof is stated to be about Rs.23/24 lac. The petitioner has been identified by the complainant as well as the other eye witnesses. The anticipatory bail is not to be granted in a routine manner and the same can be granted only in the event except extraordinary circumstances are made out.

Keeping in view the entire circumstances appearing in the instant case, no extraordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Dismissed.

24.02.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No