

CRM-M-8034-2023 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8034-2023 (O & M)

Date of decision: 17.07.2023

Kajal

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.16 dated 31.01.2022 under Sections 392, 395, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Chattiwind, District Amritsar.

2. The brief facts of the case are that the aforementioned FIR was registered on the basis of the statement of Ritu Kanav (complainant), Manager, Punjab National Bank, Branch Office, Manawala, Amritsar, who alleged that on 31.01.2022, she alongwith her other Bank staff were working at the Bank when at about 12.35 p.m., five youngsters with muffled faces and armed with pistols entered into the Bank. One youngster pulled the

CRM-M-8034-2023 (O & M)

::2::

DVR from her officer and gathered all the staff at gun point. Thereafter, one turbaned youngster took the cashier Ritesh Kumar on gun point and looted Rs.2,60,000/- from him.

During the course of investigation, the investigating officer received a secret information on 16.02.2022 that co-accused Rakesh Kumar and Gurpreet Singh alias Gopi alongwith their accomplices had committed dacoity at the Punjab National Bank, Branch Manawala on 31.01.2022. Thereafter, Rakesh Kumar was arrested on 16.02.2022 and one pistol alongwith 04 live bullets were recovered from his possession.

During his custodial interrogation, Rakesh Kumar suffered a disclosure statement dated 19.02.2022 disclosing therein that he alongwith Gupreet Singh alias Gora and other accomplices had committed dacoity in question and had, thereafter, gone to Majitha after committing the same. He also disclosed that Vijay Singh, Sandeep Singh and Manjit Singh had also accompanied them during the commission of the dacoity. Hence, Vijay Singh, Sandeep Singh and Manjit Singh were also arrested on 22.02.2022 and one .32 bore pistol alongwith 04 live cartridges and a motorcycle Hero Honda bearing No.PB02-BY-5031 recovered from the possession of Vijay Kumar alias Vijay Singh and a .32 bore pistol alongwith 03 live bullets and an unnumbered Hero Splendor motorcycle was recovered from Manjit Singh.

During his custodial interrogation, Vijay Singh disclosed that Krishanpreet Singh also used to accompany them during dacoity. He

CRM-M-8034-2023 (O & M)

::3::

and Kulwinder Singh alias Maddar were coming from Jandiala side in a car to commit dacoity at some bank. On the basis of the said disclosure statement, the petitioner-Kajal, Gurpreet Singh alias Gora and Kulwinder Singh alias Maddar were arrested by the investigating officer alongwith his police party after chasing their Hyundai i20 car bearing No.PB02-DL-2581 after conducting a *nakabandi*. During their personal searches, Rs.11,02,700/- alongwith a .32 bore pistol and 04 live cartridges were recovered from co-accused Gurpreet Singh alias Gora, Rs. 11,00,000/- alongwith .30 bore and 06 live cartridges were recovered from co-accused Kulwinder Singh alias Maddar and Rs.3,00,000/- alongwith a gold chain were recovered from Kajal (petitioner). Two 12 bore double barrel gun alongwith 02 cartridges were also recovered alongwith their Hyundai i20 car.

During her custodial interrogation, the petitioner-Kajal disclosed that on 27.02.2022, she had actively participated with her co-accused Rakesh Kumar, Gupreet Singh alias Gora, Kulwinder Singh alias Maddar, Vijay Singh, Sandeep Singh, Krishanpreet Singh and Manjit Singh alias Dilli in the commission of 05 dacoities at the Punjab National Bank, Branch Office Manawal, District Amritsar on 31.01.2022, Punjab & Sind Bank, Branch Office Naushera Kamboj, Amritsar on 07.02.2022, Punjab & Sind Bank, Branch Officer Sohia Khurd, Amritsar on 09.02.2022, HDFC Bank, Branch Office Naushera Pannuan, Tarn Taran on 19.02.2022 and State Bank of India, Branch Office Rampura, Tarn Taran and had obtained her

CRM-M-8034-2023 (O & M)

::4::

share i.e. Rs.2,60,000/-, Rs.1,50,000/-, Rs.90,000/- and a gold chain respectively.

A Maruti Swift car bearing No.PB-91-9981 used during the occurrence on 31.01.2022 by the aforementioned accused persons was recovered pursuant to the disclosure statement dated 27.07.2022 of Krishanpreet Singh during his custodial interrogation.

A .32 bore pistol alongwith one live cartridge was recovered from the co-accused Manjit Singh @ Dilli pursuant to his disclosure statement dated 27.02.2022 during his custodial interrogation.

Co-accused Sahil Kumar, Ghuggi and Gursimranjit Singh alias Simmu were nominated in the case and Sections 120-B and 201 IPC were added on the basis of the disclosure statement dated 28.02.2022 suffered by co-accused Gurpreet Singh alias Gora and Kulwinder Singh alias Maddar during their custodial interrogation, who disclosed that co-accused Sahil Kumar and Ghuggi had conducted the recce of the Punjab National Bank, Branch Office Manawala, Amritsar before the commission of the dacoity and took their share in the looted money whereas co-accused Gursimranjit Singh alias Simmu had provided firearms to them.

A report under Section 173 Cr.P.C. was submitted against the petitioner-Kajal, Rakesh Kumar alias Rakesh, Vijay Singh alias Vijay, Sandeep Singh, Manjit Singh alias Dilli, Gurpreet Singh alias Gora, Kulwinder Singh alias Maddar, Krishanpreet Singh alias Krisan and Sahil Kumar alias Sahil.

CRM-M-8034-2023 (O & M)

::5::

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case only on the basis of the disclosure statement of her co-accused. The said disclosure statement is inadmissible in evidence. However, taking the allegations to be true, 05 young men with their muffled faces had entered Bank and had committed the offence and the petitioner is not one of the five. One co-accused namely, Sahil Kumar alias Sahil had been granted the concession of bail by this Court vide order dated 20.05.2022 passed in CRM-M-13481-2022 (Annexure P-3). As the petitioner was in custody since 16.02.2022 and none of the 32 prosecution witnesses had been examined so far, she was entitled to the concession of bail as in four other cases pending against her bearing FIR No.18 dated 07.02.2022 under Sections 392/395/506 IPC and Sections 25/54/59 of the Arms Act at Police Station Kamboh, Amritsar, FIR No.23 dated 08.02.2022 under Sections 393/120-B/148/149 IPC and Sections 25/54/59 of the Arms Act at Police Station Chatiwind, Amritsar, FIR No.44 dated 22.02.2022 under Sections 307/353/186/34 IPC and Sections 25/54/59 of the Arms Act at Police Station Jandiala, Amritsar and FIR No.23 dated 19.02.2022 under Sections 392/342/379-B/506 IPC and Sections 25/54/59 of the Arms Act at Police Station Sarhali, Tarn Taran, she had already been granted the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner is a hard-core criminal with multiple cases registered against her. There was a strong apprehension that she could misuse the

CRM-M-8034-2023 (O & M)

::6::

influencing the prosecution witnesses after her release on bail. He, therefore, contends that the petitioner did not deserve the concession as prayed for. He, however, concedes that the petitioner is in custody since 16.02.2022 and none of the 32 prosecution witnesses had been examined so far and in other four cases i.e. FIR No.18 dated 07.02.2022, FIR No.23 dated 08.02.2022, FIR No.44 dated 22.02.2022 and FIR No.23 dated 19.02.2022 registered against her, she had been granted the concession of bail.

5. I have heard the learned counsel for the parties at length and perused the record.

6. The veracity of the prosecution case against the petitioner and her co-accused shall be adjudicated upon during the course of trial. At this stage, apparently the petitioner is in custody since 16.02.2022 and none of the 32 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when in the other four cases registered against her, she has been granted the concession of bail.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Kajal, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish

CRM-M-8034-2023 (O & M)

::7::

an affidavit each time that she is not involved in any other case except the cases referred to in this order.

10. In addition, the petitioner (or someone on her behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

July 17, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No