

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-8411-2023
Date of Decision: May 19, 2023

Arun Kumar @ Mota ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-10325-2023

Harpal Singh @ Vicky ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.P.S. Khaira, Advocate for the petitioner
in CRM-M-8411-2023.

Mr. G.S. Jagpal, Advocate for the petitioner
in CRM-M-10325-2023.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

This order shall dispose of aforesaid two petitions as both of
them have arisen out of the same FIR.

2. By way of these petitions filed under Section 439 Cr.P.C.,
both the petitioners seek regular bail in FIR No.121, dated 02.06.2022
(Annexure P-1), registered at Police Station Focal Point, District
Ludhiana, under Sections 379-B(2), 120-B IPC and Section 27 of the
Arms Act, 1959 (Section 307 IPC added later on).

3. FIR was lodged on the statement of Ajay, who is employed
as Field Officer in Eastman Factory, Phase-VII, Ludhiana. It was alleged
that on 01.06.2022, while he was returning back to the company premises

from HDFC bank, he heard loud sound of crash near garbage dump between 3-4 p.m.. He noticed blood oozing from his right rib cage. Suddenly two persons stopped near him, snatched the bag carried by him containing ₹3,00,000/- and fled away. Though, he tried to chase them, but one of the assailants pointed gun towards him.

4. Complainant Ajay was admitted to Fortis Hospital, Ludhiana, where a bullet was surgically removed from his body. The same was taken into police possession vide separate memo. Further prosecution case is that on 30.06.2022, two petitioners Arun Kumar and Harpal Singh along with Ram Dayal and Gurwinder Singh were apprehended in case FIR No.134, dated 14.06.2022, registered at Police Station Focal Point, Ludhiana, under Sections 399, 402 IPC (Section 201 IPC added later on) and Section 25 of the Arms Act, 1959 and during their custodial interrogation in that case, they admitted having committed crime of this case by firing upon the complainant and having snatched his bag containing ₹3,00,000/- on 01.06.2022. During course of investigation, supplementary statement was made by complainant Ajay on 20.08.2022 alleging that one of the accused Gurwinder Singh was also an employee of Eastman factory, who with the help of others had conducted reiki of the complainant regarding the time at which he was to get cash of the company and about the route. It was further stated by him that on 01.06.2022, one unknown person on motorcycle was following the complainant from the bank itself, and then two petitioners had come on different motorcycle and after firing bullet upon him, had snatched the bag. Section 307 and 120-B IPC, besides Section 27 of the Arms Act,

1959 were added later on. After concluding investigation, final report under Section 173 Cr.P.C. was filed. Police report also reveals that upon arrest of the accused in the FIR No.134, dated 14.06.2022 as referred above, two country made pistols of .32 bore were recovered from the two petitioners. Both those pistols along with bullet retrieved from the body of the complainant Ajay were sent to FSL, Mohali for necessary examination.

5. Today, learned State counsel has placed on record the copy of FSL report, which has been placed on file of CRM-M-8411-2023, as per which though both the pistols were found to be in working condition, but no opinion could be offered as to whether the bullet examined by the FSL had been fired or not through any of the country made pistol.

6. It is stated by counsel for both the petitioners that petitioners have been falsely implicated; that they were not named in the FIR; that no test identification parade was ever conducted; that investigation is already complete and trial may take time to conclude. So they be allowed regular bail.

7. Learned State counsel on the other hand has opposed the bail petitions by pointing out towards the gravity of the offence.

8. It is conceded case of the prosecution that FIR was lodged against unknown assailants. The two petitioners were arrested on the basis of disclosure statement suffered in case FIR No.134, dated 14.06.2022. Although, during investigation of that case, two country made pistols were recovered from them, but on analysing those pistols and comparing the same with the bullet retrieved from the body of the

complainant Ajay, no opinion could be given by the FSL as to whether the bullet had been fired from any of those pistols. Involvement of co-accused Gurwinder Singh, the employee of the Eastman factory, where complainant was working, has been disclosed by the complainant after more than two months of the occurrence. Both the petitioners are in custody for the last 10 months and 4 days, as per custody certificates placed on record. Investigation is already complete. Trial is likely to take time to conclude.

9. Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, both the petitioners are admitted to bail and they are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Allowed.

Photocopy of this order be placed on the connected case file.

May 19, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No