

CRM-M-8747, 10459 & 13611-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.226

Case No. : CRM-M-8747-2023

Date of Decision : April 24, 2023

Om Bahadur @ Sahil		Petitioner
State of Punjab	vs.	 Respondent

Case No. : CRM-M-10459-2023

Date of Decision : April 24, 2023

Ranjodh Singh @ Jodha		Petitioner
State of Punjab	vs.	 Respondent

Case No. : CRM-M-13611-2023

Date of Decision : April 24, 2023

Rajinder @ Rajinder Singh @ Nandi		Petitioner
State of Punjab	vs.	 Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Gaurav Dutta, Advocate
for the petitioner in **CRM-M-8747-2023**.

Mr. Dinesh Nagar, Advocate
for the petitioner in **CRM-M-10459-2023**.

Mr. Navkaran Singh Sandhu, Advocate
for the petitioner in **CRM-M-13611-2023**.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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GURBIR SINGH, J. :

Vide this common order, three petitions i.e. **CRM-M-8747-**

2023, CRM-M-10459-2023 and CRM-M-13611-2023 filed by accused

persons named in the heading, shall be disposed of as the FIR involved in all the petitions is the same, arising out of the same occurrence.

All these petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.154 dated 10.09.2022, under Section 115 read with Sections 302, 120-B IPC and Section 25 of the Arms Act, registered at Police Station City Nawanshahar, District S.B.S. Nagar.

As per the allegations in the FIR, a secret information was received that Rohit Kumar @ Shamma son of Sukhdev Singh, Om Bahadur @ Sahil son of Hom Bahadur, along with their companions Rajinder Singh @ Nandi, Gurpreet Singh @ Gopi, Ranjodh Singh @ Jodha, Shashi Kumar and Rupesh Kumar, on instructions from one Amritpal Singh, who was residing in USA, in order to commit murder of some person, armed with illegal arms and ammunition, were roaming in the area of Nawanshahr on scooters and motorcycles. All the above persons were apprehended. Gurpreet Singh @ Gopi was apprehended along with one magazine of pistol and three live cartridges. Rohit Kumar was apprehended with one country made pistol along with four live cartridges. Rajinder Singh @ Nandi was apprehended with four live cartridges.

During the investigation, the accused persons confessed that they were planning to commit murder of Gurpreet Singh @ Gopi, who was a prime witness in Sukha Kahlwan case, on the instructions of Amritpal Singh and they were to collect ransom from the owner of Richi Travel after firing upon him. Further allegations are that on 10.09.2022, on the asking of Amritpal Singh, the petitioners collected weapons from one un-identified

person.

Learned counsel for the petitioners contend that the petitioners have been falsely implicated in the instant case. They are in custody since 10.09.2022. Except the recovery in the present case, no other offence is committed by him. The entire story is concocted by the police to keep the petitioners behind the bars.

Status report dated 24.04.2023 by way of affidavit of Ranjit Singh, PPS, Deputy Superintendent of Police, Sub Division Nawanshahr, District SBS Nagar, Punjab, on behalf of the respondent-State has been filed today in Court and the same is taken on record.

Learned State counsel has opposed the prayer for grant of regular bail to the petitioners. He has fairly conceded that magazines loaded with live cartridges were recovered from the possession of the petitioners. He has submitted that the petitioners are active members of an organized gang. The members of the gang also conducted the recce for committing the above-mentioned offence and also procured deadly weapons. Therefore, they do not deserve the concession of regular bail.

On the contrary, learned counsel for the petitioners have further submitted that co-accused Gurpreet Singh @ Gopi has already been granted concession of regular bail vide order dated 09.02.2023 passed by this Court in **CRM-M-60493-2022**. Therefore, the present petitioners be also treated on parity.

I have heard learned counsel for the parties and perused the relevant material on record.

In the case in hand, except recovery of illegal arms from the

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possession of the petitioners and disclosure statement made by co-accused while in custody, which is hit by the provisions of Sections 25/26 of the Evidence Act, there is no other evidence against the petitioners.

All the petitioners are in custody since 10.09.2022. Therefore, without discussing the merits of case and keeping in view the fact that their co-accused has already been granted bail by this Court, I am of the view that no useful purpose would be served with further detention of the petitioners.

Accordingly, all the three petitions i.e. **CRM-M-8747-2023**, **CRM-M-10459-2023** and **CRM-M-13611-2023** are allowed and the petitioners are directed to be released on regular bail, on their furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

A photocopy of this order be placed on the files of the other connected matters.

April 24, 2023
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>