

(213) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10453-2023
Date of Decision: 03.03.2023

GAUTAM @ GAUTAM DHIR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sapna Khurana, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.0053 dated 03.03.2022 under Sections 408, 120-B IPC 1860 (Sections 201, 379-B(2) of IPC and Sections 25, 27 of the Arms Act, 1959 added later on, however, Sections 25, 27 of the Arms Act deleted later on) registered with Police Station Sadar Amritsar, District Police Commissionerate, Amritsar.

2. The allegations in the FIR are to the effect that one Rajbir Singh got his statement recorded to the effect that he was the owner of Satguru Thinner Factory at Fatehgarh Churian Village Muradpura. His driver Robin Masih and cleaner Suraj Singh (since granted bail vide order dated 21.09.2022 passed in CRM-M-42788-2022) used to bring thinner to Nakodar on vehicle bearing registration No.PB-05-G-9742 and even earlier had gone to Nakodar and used to hand over the payment to him after bringing the same from there.

3. On 25.02.2022, his driver Robin Masih alongwith cleaner Suraj Singh went to Nakodar on the said vehicle and were supposed to come back to Amritsar by receiving the payment from there. On that very day, his clerk Sumit called him and informed him that the driver Robin Masih and cleaner Suraj Singh had come to Amritsar on the aforementioned oil tanker after taking payment of Rs.6,04,000/- from Nakodar. They were supposed to handover the payment to the clerk Sanjay Sharma. However, on the way back, when they stopped the tanker on Fatehgarh Churian Road, three persons riding on motor cycle make Splendor, who had their faces covered, snatched Rs.6,04,000/- from Suraj Singh by showing him a pistol. On raising an alarm, Suraj Singh and Robin Masih got off the aforesaid tanker but the three persons on the motor cycle fled away with the money. On being asked, Suraj Singh stated that the money had been taken by three unknown persons. When he was threatened with an FIR, he broke down and told the complainant that Gurpreet Singh @ Gopi (since granted bail vide order dated 03.02.2023 passed in CRM-M-4584-2023), Gautam Dhir (petitioner) and one of their associates had committed the offence in connivance with him.

4. The learned counsel for the petitioner submits that the petitioner is not named in the FIR but his name has been disclosed by Suraj Singh, cleaner. He further submits that the petitioner has been falsely implicated in this case as the occurrence took place on 25.02.2022 and the FIR was registered on 03.03.2022 i.e. after the delay of seven days. The petitioner is in custody since August, 2022 and none of the 27 witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Even otherwise, the co-accused of the petitioner, namely, Suraj

Singh and Gurpreet Singh @ Gopi have been granted the concession of bail. He, therefore, prays that the petitioner was also entitled to the same relief.

5. On the other hand, the learned State counsel contends that the nature of allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, does not dispute the fact that the co-accused of the petitioner, namely, Suraj Singh and Gurpreet Singh @ Gopi have been granted the concession of bail, the period of custody undergone by the petitioner as also the stage of the Trial.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner is in custody since August, 2022 and none of the 27 prosecution witnesses has been examined till date. Therefore, the Trial of the present case is not likely to be concluded anytime soon. The co-accused of the petitioner, namely, Suraj Singh and Gurpreet Singh @ Gopi have been granted the concession of bail by this Court vide orders dated 21.09.2022 and 03.02.2023 respectively. Therefore, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gautam @ Gautam Dhir son of Sh. Basambar Dass, 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 an affidavit each time that he is not involved in any case other than the present one.

10. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

11. The petitioner (or someone on his 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.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

03.03.2023

JITESH

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