

CRM-M-19732-2023 (O & M)
(217-2)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19732-2023 (O & M)
Date of decision: 20.09.2023

Karanvir Singh @ Aalu

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.164 dated 13.05.2022 under Sections 379-B(2), 201, 411 IPC registered at Police Station Civil Lines, Amritsar.

2. The brief facts of the case are that the instant FIR came to be registered on the basis of the statement of Rajesh Aggarwal who stated that on 12.05.2022 at about 10.35 pm when he alongwith his wife Anita Aggarwal and daughter-in-law Vani Aggarwal reached their house in their car bearing No.PB-02-DT-2376, a car came from behind and stopped behind their car. Four unidentified persons alighted from the said car. One of them pointed a pistol at them (complainant party), while another person showed them a dagger and the third person snatched his (complainant's) *kara*, two gold rings, wallet, two bangles and one ring from his wife. Thereafter, the accused fled away from the spot.

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Pursuant to the registration of the FIR, the investigation began and Karanvir Singh @ Aalu (petitioner) who was arrested in FIR No.187 dated 08.06.2022 registered at Police Station Civil Lines, Amritsar City, during his custodial interrogation in the aforesaid case, disclosed that he alongwith co-accused Manpreet Singh @ Mann @ Maan @ Happy, Hardev Singh @ Gopi (granted anticipatory bail vide order dated 13.09.2022 passed in CRM-M-32956-2022, Annexure P-2) and Shera @ Aakash had snatched the gold articles from the complainant and his wife on 12.05.2022.

Karanvir Singh @ Aalu was arrested in the present case on 11.06.2022 on the basis of production warrants. On interrogation, he disclosed that on 12.05.2022, he alongwith his friends Satnam, Manpreet Singh @ Mann @ Maan @ Happy, Hardev Singh @ Gopi and Shera @ Akash had planned to commit snatching when they saw the car bearing No.PB-02-DT-2376 standing at the customs chowk with one male and female passengers wearing gold ornaments. Thereafter, they had started following the said car. When the car had stopped at the Mall Road, then, he alongwith Satnam @ Harry armed with a pistol, Manpreet Singh @ Mann @ Maan @ Happy and Shera armed with Chhura (dagger) alighted from the car and Gopi had remained seated. They all had snatched gold ornaments from the couple. The gold was kept by his co-accused Satnam Singh @ Harry and after its sale, he was given Rs.60,000/- as his share. The Swift car used in the occurrence was also got recovered by him.

Based on the aforementioned disclosure statement, Manpreet Singh @ Mann @ Maan @ Happy, Satnam Bhalwan @ Harry, Hardev Singh @ Gopi and Shera @ Akash were nominated as accused in the present case.

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During the course of further investigation, Manpreet Singh @ Mann @ Maan @ Happy, was taken on production warrants from Central Jail, Amritsar and was formally arrested in the present case on 23.06.2022. He suffered a similar disclosure statement.

Co-accused Satnam Bhalwan @ Harry, Hardev Singh @ Gopi and Shera @ Akash are still absconding.

The report under Section 173 Cr.P.C. was submitted on 01.08.2022 against Manpreet Singh @ Mann @ Maan @ Happy and Karanvir Singh @ Aalu.

3. The learned counsel for the petitioner contends that the statements of Rajesh Aggarwal, Anita Aggarwal and Vani Aggarwal wife of Shine Aggarwal had been recorded in Court as PW-1, PW-2 and PW-3 and none of the three eye-witnesses have supported the prosecution case. As the petitioner was in custody since 11/12.06.2022, only 03 out of the 12 prosecution witnesses had been examined so far and a similarly situated co-accused, namely, Hardev Singh @ Gopi had been granted the concession of anticipatory bail vide order dated 13.09.2022 (Annexure P-2), he was entitled to the concession of bail, moreso, when in 03 of the 04 cases registered against him bearing FIR No.361 dated 24.12.2020 under Section 25 of the Arms Act, Police Station Kamboj, FIR No. 63 dated 14.03.2021 under Section 25 of the Arms Act, Police Station Kamboj and FIR No.232 dated 24.09.2016 under Sections 21/25/29 of the NDPS Act, Police Station Chheharta, Amritsar, he had been granted the concession of bail vide orders dated 30.12.2020, 23.03.2021 and 26.04.2022 either by the Trial Court or this Court, though, in FIR No.9 of 2015 under Section 22 of the NDPS Act, Police Station D-Division, he is stated to be in custody.

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4. The learned counsel for the State on the other hand, while referring to the reply dated 20.09.2023, contends that the petitioner is an under-trial in four cases whereas he has been acquitted in four cases bearing FIR No.465/2014 dated 09.12.2014, FIR No.325 dated 24.09.2011, FIR No.187 dated 08.06.2022 and FIR No.226 dated 12.10.2011. Therefore, the criminal antecedents of the petitioner did not entitle him to the grant of bail. She, however, concedes that the petitioner is in custody since 11/12.06.2022, 03 material witnesses have turned hostile and only 03 out of the 12 prosecution witnesses had been examined so far. She also concedes that a similarly situated co-accused, namely, Hardev Singh @ Gopi has been granted the concession of anticipatory bail vide order, Annexure P-2.

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

6. Admittedly, the petitioner is a habitual offender with multiple cases registered against him, in some of which he has been granted the concession of bail while in some cases he has been acquitted. Be that as it may, in the instant case, the petitioner is in custody since 11/12.06.2022 and only 03 of the 12 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. The three material prosecution witnesses already stand examined and have not supported the case of the prosecution, having turned hostile. Therefore, the further incarceration of the petitioner is not required.

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

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8. 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 crime other than the case(s) mentioned in this order.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 the trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

September 20, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No