

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-23525-2022

Date of Decision:-13.04.2023

Talwinder Singh @ Nikku.

.....Petitioner.

Vs.

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. P.S. Sekhon, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.29 dated 01.03.2022 under Sections 392, 379-B, 473, 412, 34 IPC And Section 25 of Arms Act, 1959 registered at Police Station Shambu, District Patiala.

2. The brief facts of the case are that on 01.03.2022 while the police party was on patrolling duty, Ajaib Singh (complainant) along with his friend Ramanpreet Singh and Amrinder Singh met the police party and got recorded his statement wherein he stated that he was working as a Deputy Manager/Cashier at ICICI Bank, Rajpura branch. On 28.02.2022 at around 7.30 pm after closing the bank he was going along with his colleague Mahima in his car make Verna. At about 8/8.30 pm when he (complainant) had halted his car near the railway line a white Swift Car came and stopped behind them and two person alighted from it. When he (complainant) rolled down his window pane one of the persons opened the door of the car and dragged him out and also took out the keys of his car. When the

complainant tried to scuffle with the unknown person then another person fired a shot from a pistol. In the meantime, Mahima, his friend also alighted from the car. Then two young persons snatched his (complainant's) car and fled towards Rajpura side. Their third accomplice who was driving the Swift car also went behind them.

Based on the said information the instant FIR was registered. During the course of investigation the statement of the complainant was recorded who stated that he had come to know that Manvinder Singh @ Chamkaur, Pawandeep Singh @ Pawan Garcha and Ranjodh Singh @ Jyoti were the persons who had snatched his car. Upon the abovesaid statement, three persons were nominated in the present FIR and an offence under Section 392 IPC was added.

On 20.03.2022 the aforementioned persons were arrested. From Pawandeep Singh recovery of one country made pistol 32 bore along with 6 live cartridges was effected. From Ranjodh Singh recovery of one Desi Katta 315 bore along with 2 live cartridges of 315 bore was effected.

Akashdeep Singh @ Akash and Raghwinder Singh @ Ricky were nominated in the present case. On the basis of the interrogation of Pawandeep Singh @ Pawan Garcha, Manvinder Singh @ Chamkaur and Ranjodh Singh @ Jyoti. It also came to light that Akashdeep Singh @ Akash had been confined in Faridkot Jail in FIR No.18 dated 02.09.2021 under Section 13, 16, 18, 18-B, 20 UAPA Act, 3,4,5 Explosives Act, 25, 27-A, 29/61/85 NDPS Act, 120-B IPC registered at P.S. SSOC, Amritsar and Raghwinder Singh @ Ricky was confined in Faridkot Jail in case FIR No.91 dated 02.04.2011 under Section 302, 427, 149, 149 IPC registered at P.S. Payal, District Ludhiana. Accordingly their custody was obtained on production warrants and they were remanded.

During the course of interrogation of Pawandeep Singh @ Pawan Garcha one Kulwinder Singh @ Sonu and Talwinder Singh @ Nikku (present petitioner) were nominated in the present case.

On 28.03.2022 the petitioner was arrested and suffered his disclosure statement that he had brought 04 pistols of 32 bore along with 19 live 32 bore cartridges from co-accused Kulwinder Singh @ Sonu and the same were kept by him in his Swift car. Based on the said statement the weapons in question came to be recovered.

Thereafter Kulwinder Singh @ Sonu was arrested and 06 pistols 32 bore along with 13 live cartridges and 08 magazines were recovered from him. Thereafter one Buta Singh @ Bagga Khan was nominated as accused.

On 31.03.2022 Darshan Singh @ Darsa and Daler Singh Kotia were nominated on the basis of interrogation of the petitioner and co-accused Kulwinder Singh @ Sonu. Pawandeep Singh @ Pawan Garcha was confined in Nabha Jail and was arrested on after obtaining his production warrants.

Pursuant to the conclusion of the investigation, the report under Section 173(2) Cr.PC was presented against the petitioner, Manwinder Singh @ Chamkaur, Pawandeep Singh @ Pawan Garcha, Randhoddh Singh @ Joti, Kulwinder Singh @ Sonu, Darshan Singh @ Darsa, Akashdeep Singh @ Akash and Raghwinder Singh @ Ricki on 28.09.2022.

3. The Counsel for the petitioner contends that petitioner was nominated as an accused on the basis of a disclosure statement of his co-accused which has no evidentiary value. The recovery of weapons have been foisted upon him. Be that as it may, the said recovery cannot be connected to the present offence. Though the petitioner is an accused in number of cases he stands acquitted in some of them and, therefore, as he was in

custody since 28.03.2022 and the Trial had not yet begun, the petitioner was entitled to the grant of bail.

4. The Counsel for the State on the other hand contends that the petitioner is part of a gang as has been found during the course of investigation. As many as 04 pistols of 32 bore along with live cartridges have been recovered from him. He is a convict in one case and is facing trial in 05 other cases as is borne out from para 14 of the State reply dated 12.04.2023. Therefore, the nature of the allegations levelled against the petitioner and his criminal antecedents do not entitle him to the grant of bail.

5. I have heard the counsel for the parties.

6. A perusal of the record would reveal that the petitioner is a part of big gang which is involved in the commission of a number of heinous offences. Multiple weapons have been recovered from the petitioner and his co-accused. The petitioner was an accused in as many as 10 other cases. He has been convicted in one case and acquitted in 04 cases. However, the Trial is pending in 05 other cases. The said cases including those under the NDPS Act, Arms Act and for the offence of dacoity. Therefore, apparently, the criminal antecedents of the petitioner also do not entitle him to the grant of bail as he was likely to abscond from justice or influence witnesses if he was granted the concession of bail.

7. In view of the above, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

April 13, 2023
Vinay

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