

CRM-M-32733-2023

-1-

101

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

CRM-M-32733-2023

Date of Decision: 27.07.2023

Villiam Masih @ William Masih @ Akash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikrant Vij, Advocate for
Mr. Gursiman Singh Bawa, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in FIR No.78, dated 23.04.2023 under Sections 457, 380 & 427 IPC, registered at Police Station Ajnala, District Amritsar Rural.

2. It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and even as per the allegations, 8-9 unknown persons with muffled faces had come to a petrol pump and committed dacoity. He further submitted that the name of the petitioner was not mentioned in the FIR and it was only on the basis of disclosure statement of other co-accused, namely, Palwinder Singh @ Karan Bajwa that his name was nominated and also submitted that even otherwise also he had specifically named the petitioner as Akash son of Bagga Masih whereas the name of the father of the petitioner is Sokha Masih and there is

CRM-M-32733-2023

-2-

a dispute with regard to identity as well and therefore, has prayed that the petitioner may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that he has received an advance copy of the present petition and has gone through the same and has also got instructions from the concerned police official. He further submitted that it is a case where 8-9 people with muffled faces came to Rampal Service Station and after parking their motorcycles at some distance, they committed dacoity at the petrol pump and looted number of articles from inside the room. He also submitted that so far as the identity of the accused persons is concerned, it has been found during investigation that the name as disclosed by the other co-accused, namely, Palwinder Singh @ Karan Bajwa was that of Akash son of Bagga Masih but he has wrongly mentioned the name of the father of Akash whereas it has been confirmed that it was the petitioner whose father's name is Sokha Masih, who had committed the dacoity and therefore, there is no dispute with regard to the identity of the petitioner in this regard. He further submitted that when the aforesaid co-accused, namely, Palwinder Singh @ Karan Bajwa was arrested in the other FIR then he disclosed the name of the petitioner along with the other co-accused and thereafter, the other co-accused were also arrested and they also disclosed the name of the present petitioner. He also submitted that the incident was captured in a CCTV footage camera and although these persons including the petitioner were with the muffled faces but the petitioner could be identified in the CCTV footage. He further submitted that the custodial interrogation of the petitioner is required in the present case for the purpose of qualitative

CRM-M-32733-2023

-3-

investigation and elicitation of truth and therefore, the petitioner does not deserve the concession of anticipatory bail.

4. I have heard the learned counsels for the parties.
5. It is a case where the allegations were that 8-9 persons, who are although unnamed in the FIR with the muffled faces, had committed a dacoity in the petrol pump and had stolen lot of articles including money. The identity dispute which has been raised by the learned counsel for the petitioner has since been answered by the learned State counsel by which he stated that it was the petitioner whose name is Akash and it is so stated in the Memo of Parties itself that the petitioner's name is Akash but name of his father is Sokha Masih but was wrongly named by the other co-accused as Bagga Masih but Akash who has been nominated as accused, had committed the dacoity. There is no reason to disbelieve the learned State counsel at this stage, with regard to the identity of the petitioner.
6. Considering the aforesaid gravity and magnitude of the offence, this Court is of the view that the petitioner does not deserve the concession of anticipatory bail. Consequently, finding no merit in the present petition, the same is hereby dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

27.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |