

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

CRM-M-38532-2023
Reserved on:05.12.2023
Pronounced on: 11.12.2023

RITIK

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Jasneet Nehra, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.0035 dated 14.05.2022 registered at Police Station Airport, Amritsar under Sections 399/402 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 [Sections 21(C) and 29 (Act N: 61 of 1985) of the Narcotics Drugs and Psychotropic Substances Act, 1985 {for short 'the NDPS Act'} were added later on].

2. As per prosecution allegations, on 14.05.2022, Inspector Supinder Kaur, SHO PS Airport along with other police officials was on patrolling duty, when secret information was received against Amritpal Singh, Ritik (petitioner), Gurpreet Singh, Rahul and Suchan Sahib to the effect that they were involved in snatching and robberies and that different FIRs had already been registered against them in various Police Stations. Information was further to the effect that while riding on different vehicles, they were present at Blessings City in the backside of Radisson Hotel, Amritsar and

were planning to commit some big crime or dacoity, possessing illegal weapons and if raid is conducted, they could be apprehended.

3. Finding the information to be reliable, Rukka was sent to the Police Station and FIR was registered. Raid was conducted at the disclosed place, where all five of them i.e. Amritpal Singh, Ritik (petitioner), Gurpreet Singh, Rahul and Suchan Sahib were found, having parked their different vehicles under a flat, planning to commit some big crime. On conducting search of the accused, following recoveries were effected: -

Name of the accused	Recovery
Amritpal Singh	One knife was recovered from his left flank, five Indian currency notes of Rs.100 each and one mobile phone VIVO, were recovered from his pockets.
Ritik Malhotra	One illegal pistol inscribed with P-Beretta-Call and Made in Italy loaded with 04 live cartridges of 7.65KF without having any license or valid document, was recovered from his left flank.
Gurpreet Singh	One small sickle was recovered from his left flank.
Rahul	One small sword was recovered from his left flank.
Suchan Sahib	One knife was recovered from his left flank.

During custodial interrogation, one of the accused Gurpreet Singh suffered disclosure statement, which also resulted in recovery of 105 gm heroin and he also nominated Jagmeet Singh @ Meet, Harpej Singh @ Javed and Vinay Kumar son of Buta Singh to be involved in sale and purchase of heroine.

4. It is contended by Id. counsel on behalf of petitioner-Ritik that the petitioner has been falsely implicated; that no contraband was recovered from him; that recovery of pistol and cartridges have been planted upon him; that co-accused Rahul, Gurpreet Singh @ Mani and Suchan Sahib @ Sujal Mattu have already been allowed bail by this Court by way of different orders.

Ld. counsel further contends that petitioner is in custody for the last more than 1 year and 5 months and that trial may take time to conclude and so, he be released on regular bail.

5. Opposing the bail petition, ld. State counsel has drawn attention towards the criminal antecedents of the petitioners, inasmuch as he is undergoing trial in a murder case and is also a convict in a jail offence. Production warrants have also been issued against him in three other cases. Ld. State counsel further submits that petitioner was found planning to commit dacoity and so, having regard to the gravity of offence, he does not deserve to be released on bail.

6. Having considered submissions of both the sides, it is noticed by this Court that as per the custody certificate, petitioner is in custody for the last 1 year 5 months and 16 days. The role attributed to him is of participation in the planning to commit dacoity and that one pistol and five live cartridges were recovered from him. There is no attribution to him regarding recovery of any contraband. The allegations of prosecution are subject to trial.

7. Co-accused Jagmeet Singh @ Meet has been allowed bail vide order dated 16.05.2023 passed in CRM-M-28416-2022. Another co-accused Rahul has been allowed bail vide order dated 16.05.2023 passed in CRM-M-37092-2022 by the Co-ordinate Bench of this Court. Co-accused Gurpeet Singh @ Mani from whom even the recovery of contraband was effected, has been allowed bail vide order dated 16.05.2023 passed in CRM-M-45049-2022; and co-accused Suchan Sahib @ Sujal Mattu has been allowed bail vide order dated 01.09.2022 passed in CRM-M-37502-2022, by the Co-ordinate Bench of this Court.

8. Though petitioner is involved in other criminal cases as per the details given in the custody certificate, but having regard to the attribution to the petitioner in the present case and the fact that similarly placed co-accused have already been granted benefit of bail, the criminal antecedents in itself cannot be a reason to decline bail to the petitioner.

9. Keeping in mind all the aforesaid facts and circumstances and also the custody period and on the basis of parity, but without commenting anything further on the merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

11.12.2023

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
No