

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

CRM-M-41944-2023

Date of Decision:-20.09.2023

Kulwinder Singh @ Sonu.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Aminder Singh, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of Interim Regular bail in case FIR No.29 dated 01.03.2022 under Sections 379-B, 34 IPC (Section 392, 473, 412 IPC added later on) & Section 25 of the 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 (petitioner) and Talwinder Singh @ Nikku (bail declined vide order dated 13.04.2023) were nominated in the present case.

On 28.03.2022 Talwinder @ Nikku 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 Talwinder Singh @ Nikku and 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 Talwinder Singh @ Nikku, Manwinder Singh @ Chamkaur, Pawandeep Singh @ Pawan Garcha, Randhoddh Singh @ Joti, Kulwinder Singh @ Sonu (petitioner), Darshan Singh @ Darsa, Akashdeep Singh @ Akash and Raghwinder Singh @ Ricki on 28.09.2022.

3. The Counsel for the petitioner contends that the petitioner had undergone a liver transplant in the past. On 04.08.2022 the petitioner had

suffered a stroke because of which he was undergoing treatment at Guru Gobind Singh Medical College and Hospital Faridkot. As the condition of the petitioner was serious requiring proper care and treatment at the instance of specialist doctors he was entitled to the concession of interim bail.

4. The Counsel for the State on the other hand has filed a Status report by way of affidavit of Mr. Kulwinder Singh, Superintendent District Jail, Barnala dated 15.09.2023 in court today, which is taken on record. The State Counsel contends that the petitioner is a habitual offender with 21 cases registered against him which are either pending or decided. The details of the same are as under:-

Sr. No.	FIR No./Date	Under Sections	Police Station/District	Stage
1.	303/16.08.2011	457, 380 IPC	City Sangrur, Sangrur	Acquitted
2.	21/04.02.2012	25 Arms Act	City Sangrur, Sangrur	Already undergone Sentence
3.	20/04.02.2012	18 NDPS Act	City Sangrur, Sangrur	Already undergone Sentence
4.	15/10.01.2014	22 NDPS Act	City Sangrur, Sangrur	Transferred to CJM Sangrur
5.	163/29.05.2014	22 NDPS Act	City Sangrur, Sangrur	Acquitted
6.	136/25.06.2014	18 NDPS Act	Sadar Dhuri, Sangrur	Convicted
7.	40/20.02.2018	52 A Prisons Act	City Gurdaspur, Gurdaspur	Convicted
8.	51/10.03.2018	52 A Prisons Act	City Gurdaspur, Gurdaspur	Convicted
9.	07/10.01.2022	25 Arms Act	City Sangrur, Sangrur	Pending Trial
10.	150/04.06.2009	307, 332, 353, 186, 148, 149 IPC, 3/ 4 DPP Act	City Sangrur, Sangrur	Acquitted
11.	356/06.12.2009	379 IPC	City Sangrur, Sangrur	Convicted
12.	358/06.12.2009	379 IPC	City Sangrur, Sangrur	Convicted

13.	379/20.12.20212	379 IPC	City Sangrur, Sangrur	Convicted
14.	47/04.04.2010	15 NDPS Act	Bhikhi, Mansa	Convicted
15.	128/07.08.2011	457, 380 IPC	Sadar Sangrur	Convicted
16.	66/28.04.2012	379 IPC	Sadar Sangrur	Convicted
17.	90/02.04.2013	15, 18, 22 NDPS Act	City Sangrur, Sangrur	Untraced
18.	69/04.05.2013	15 NDPS Act, 483, 411 IPC	Sadar Sangrur	Convicted
19.	77/28.04.2013	379 IPC	Lehra	Convicted
20.	74/27.04.2013	382 IPC	City Sunam	Convicted
21.	27/23.01.2017	52 A Prison Act	City Barnala	Convicted

5. He further contends that as per the report of Medical Officer, District Jail, Barnala the petitioner has suffered paralysis on the right side with slurring of speech and has difficulty in his routine activities. However, as he was undergoing proper treatment from Guru Gobind Singh Medical College and Hospital Faridkot, he was not entitled to the concession of interim bail looking at his antecedents.

6. I have heard the Counsel for the parties.

7. The report attached with the affidavit of the State as Annexure

R-1 reads as under:-

“ From

*Medical Officer,
District Jail, Barnala.*

To

*Superintendent,
District Jail, Barnala.*

Subject:- Regarding Medical report of Under Trial Kulwinder Singh son of Mangat Singh, Residence of Sangrur.

It is for your kind information that the above said inmate in subject is confined in District Jail Barnala since 09.07.2022. This inmate has history of laparotomy following gunshot injury in past on 04.08.2023 around 4.00 PM inmate complain of sudden pain in Head associated with confusion and weakness on right side. On examination B.P.236/144 mm of hg. Inmate given necessary medication at District Jail, Barnala and referred to Civil Hospital Barnala for further management and medicine opinion. Inmate undergo NCCT

head at Civil Hospital Barnala from where inmate referred to Guru Gobind Singh Medical College and Hospital, Faridkot where inmate undergo M.R.I. brain and remain admitted there from 04.08.2023 to 10.08.2023. Now, inmate is undergoing treatment as per prescription from Guru Gobind Singh Medical College and Hospital, Faridkot. But, due to paralysis on right side with slurring of speech inmate has difficulty in his routine activities. This is for your information please.

*Sd/-
Medical Officer
District Jail, Barnala”*

8. A perusal of the abovesaid report of the Medical Officer, District Jail, Barnala addressed to the Superintendent, District Jail, Barnala would reveal that though the petitioner is ailing, he is currently receiving adequate treatment at Guru Gobind Singh Medical College and Hospital Faridkot.
9. Further, the antecedents of the petitioner are such that there is every possibility that the petitioner would abscond from justice in case he is granted the concession of bail.
10. Therefore, at this stage, no ground for the grant of interim bail to the petitioner is made out and the present petition stands dismissed.
11. However, the petitioner is at liberty to renew his request for the grant of interim bail on medical grounds if there is any significant change in his condition.

(JASJIT SINGH BEDI)
JUDGE

September 20, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>