

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231 CRM-M-44844-2023
Date of Decision.:16.10.2023

Rahul SoodPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Mehra, Senior Advocate with
Mr. Sauhard Singh, Mr. Amandeep Singh,
Mr. Vikalp Hooda, Advocates for the petitioner.

Mr. Randeep Singh Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.3 dated 09.01.2023 registered under Sections 302, 307, 353, 186, 216, 120-B of the IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Phillaur, District Jalandhar.

2. FIR was lodged on the complaint of SI Amandeep Kumar, who was posted as SHO, Police Station City, Phagwara at the relevant time. As per the complaint, on 08.01.2023, Avtar Singh son of Jinder Singh complained to ASI Jasvir Singh about the snatching of his Creta Vehicle No.PB-36J-6240 at gun point by four unknown persons. Complainant i.e., SI Amandeep Kumar along with the police party went to the spot, where it was informed by Avtar Singh that his vehicle had GPS system and as per the

location, the snatched vehicle was proceeding towards Village Dosanjh. Police party started chasing the vehicle. In the area of Kang Jagir near canal minor, due to narrow passage, the police vehicle and the snatched vehicle were stopped in front of each other. The police party came out and asked the persons occupying the snatched vehicle to come out. Four young people came out of the snatched vehicle and started firing at the police party. One of the bullets hit Constable Kuldeep Singh. As police party started firing towards the snatchers, three of them jumped into the canal, and one of them ran towards the fields taking benefit of dense fog. The three persons, who had jumped into the canal, were apprehended and were found to have suffered bullet injuries. 3 pistols and 11 cartridges were recovered from them. They disclosed their names as Vishnu @ Soni, Ranjit Singh @ Jeeta and Kulwinder Singh @ Kinda. They also disclosed the name of the person, who had fled the spot as Yuvraj Singh @ Jora. FIR was registered.

3. Constable Kuldeep Singh expired due to the bullet injury. The Creta car as snatched by the accused was taken into possession. On 12.01.2023, it was found during investigation that co-accused Yuvraj Singh @ Jora was helped by one Akashdeep in escaping from the place of occurrence. As per prosecution, petitioner Rahul Sood and Teja Mehatpuria were the associates of Akashdeep and all three of them were nominated as accused vide DDR No.51 dated 12.01.2023. Sections 353, 186, 216 & 120-B of the IPC were added. Akashdeep and petitioner Rahul Sood were arrested. During investigation, Akashdeep disclosed that he and his associates made a plan at the house of Amanpreet Singh @ Peeta to commit the offence. It was

further disclosed by him that Sukhvir Singh @ Sukha had extended monetary help to Yuvraj Singh @ Jora, the accused who had escaped from the spot.

4. It is contended by learned counsel that co-accused Akashdeep has already been allowed bail by this Court vide order dated 31.05.2023 passed in CRM-M-25329-2023 and that case of the petitioner is on better footing because the only attribution to the petitioner is that Akashdeep had taken away the car of the petitioner for helping the main accused. Learned counsel contends that co-accused Akashdeep and one more co-accused namely Sukhvir Singh have already been allowed bail by this Court.

5. Status report by way of an affidavit dated 16.10.2023 of Shri Simranjit Singh, PPS, Deputy Superintendent of Police, Sub Division Phillaur, Jalandhar (Rural) along with custody certificate has been filed on behalf of respondent- State.

6. Though learned State counsel does not dispute the fact that case of the petitioner is on similar footing as that of co-accused Akashdeep, who has already been allowed bail but bail is opposed in view of the criminal antecedents of the petitioner as he is involved in various other cases as per the details given in the custody certificate.

7. Heard.

8. The custody certificate of the petitioner reveals that petitioner is in custody for the last 05 months and 17 days. No doubt, that he is involved in various other cases but having regard to the role attributed to the petitioner and the fact that his case is at least on parity with co-accused

Akashdeep, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

October 16, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No