

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

1. **CRM-M-50915-2022**
Date of Decision: January 20, 2023

Ram Dayal **...Petitioner**

Versus

State of Punjab **...Respondent**

2. **CRM-M-58576-2022**

Gurwinder Singh @ Rinku **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Jagpal, Advocate for the petitioner
in CRM-M-50915-2022.

Mr. Guninder Singh Brar, Advocate for the petitioner
in CRM-M-58576-2022.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

This order shall dispose of aforesaid two petitions as both of them have arisen out of the same FIR.

2. By way of these petitions filed under Section 439 Cr.P.C., both the petitioners seek regular bail in FIR No.121, dated 02.06.2022, registered at Police Station Focal Point, District Ludhiana, under Sections 379-B(2)/120 IPC and Section 27 of the Arms Act, 1959 (Section 307 IPC added later on).

3. FIR was lodged on the statement of Ajay son of Mohan Lal, who is working as Field Officer in Eastman Factory, Phase-VII, Ludhiana. It was alleged that on 01.06.2022, he had withdrawn the amount of Rs.3 lacs in cash for the company from HDFC bank and put

the same in his bag and was going on Rockman Factory road. When he

CRM-M-50915-2022 and CRM-M-58576-2022

heard a loud noise, he stopped the motorcycle to see whether the tyre of the motorcycle was punctured. However on putting his hand on the right side of waist, he realized that blood was oozing. In the meantime, two young boys came on motorcycle and snatched his bag and fled away. He tried to follow them but they pointed pistol towards him and so they succeeded in escaping. Due to gun shot injury, complainant was taken to Fortis Hospital, Ludhiana. The bullet had not exited from his body. The same was surgically removed and taken into possession vide separate memo. Further the case of the prosecution is that on 30.06.2022, information was received that Arjun Kumar, Ram Dayal (petitioner in CRM-M-50915-2022), Gurwinder Singh @ Rinku (petitioner in CRM-M-58576-2022) and Harpal Singh had been apprehended in case FIR No.134, dated 14.06.2022, registered at Police Station Focal Point, Ludhiana, under Sections 399, 402 IPC (Section 201 IPC added later on) and Section 25 of the Arms Act, 1959. During their custodial interrogation in that case, they had suffered disclosure statement admitting the crime of this case. On the basis of that information, both the petitioners i.e. Ram Dayal and Gurwinder Singh @ Rinku along with Arjun Kumar and Harpal Singh were arrested on 16.06.2022. On 20.08.2022, supplementary statement was made during investigation by the complainant, as per which one of the accused Gurwinder Singh @ Rinku was the employee of the Eastman Factory, who with the help of other persons had done reiki of the complainant as to time when he will withdraw the cash. Two country made pistol of .32 bore were recovered from co-accused Arjun Kumar and Harpal Singh. Sections 307 and 120-B

CRM-M-50915-2022 and CRM-M-58576-2022

IPC were added later on. Final report has already been submitted.

4. It is submitted by both the petitioners that they have been falsely implicated; that no recovery was effected; that one of the petitioners Gurwinder Singh @ Rinku was employee of Eastman Factory. It is contended that in case he was involved in the crime of snatching, the complainant would have identified him immediately as the incident is alleged to have taken place in the day time. It is further contended by learned counsel that by showing their arrest in another case FIR No.134, dated 14.06.2022, they have been implicated in this case by showing the recovery of arms from the co-accused.

5. As per custody certificates placed on record by learned State counsel, both the petitioners are in custody for the last 6 months and 5 days and both of them are also involved in FIR No.134, dated 14.06.2022 as referred earlier.

6. Learned State counsel opposed the bail petition by pointing out the nature of crime.

7. Having considered submissions of both the sides, I consider it a fit case where both the petitioners should be granted bail.

8. Occurrence took place on 01.06.2022. No one was named therein. On the basis of disclosure statement suffered in another case, petitioners and two other were arrested on 16.06.2022. It is more than one month after their arrest that on 20.08.2022 i.e. more than 2 months from the date of incident, the complainant in the supplementary statement named the petitioner Gurwinder Singh @ Rinku, employee of the Eastman Factory to be one of the snatchers. In case said petitioner is

CRM-M-50915-2022 and CRM-M-58576-2022

involved in the snatching incident, he would have been identified by the complainant immediately, as crime is alleged to have been committed during the day time. Besides the recovery of arms has been effected from the co-accused and not from any of the petitioners. They are in custody for the last more than six months. The trial is likely to take time to conclude. Petitioner Gurwinder Singh @ Rinku has already been allowed bail in FIR No.134, dated 14.06.2022, vide order dated 21.12.2022 passed in CRM-M-58625-2022.

9. Having regard the above, both the petitions are accepted. The petitioners are admitted to bail and they are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/learned Chief Judicial Magistrate concerned. It is subject to the condition that they shall not make any attempt whatsoever to threaten or influence the complainant or any other witness associated to the case. In case of any such eventuality, State will be at liberty to move application for cancellation of bail.

10. Petitioners shall appear on each and every date before the Trial Court unless presence of any of them is specifically exempted. Nothing observed in this order should be construed as a final expression/ opinion on the merits of the case. The trial will proceed irrespective of the observations made in this order.

Disposed of.

Photocopy of this order be placed on the connected case file.

January 20, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No