

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.214

Case No. : CRM-M-55920-2022

Date of Decision : February 07, 2023

Amandeep Singh @ Aman @ Sunny Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Rahul Arora, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

* * *

GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.69 dated 13.05.2022 (Annexure P-2), under Section 395, 450 IPC, 1860, Section 25 of the Arms Act, 1959, registered at Police Station Makhu, District Ferozepur (offence under Section 120-B, 342 and 411 IPC added later on).

FIR in this case was registered on the statement of Kamlesh that on 13.05.2022 at about 09:00 AM, her husband Ashok Kumar and son Rahul Thukral went to the grain market as usual and she was alone in the house. The outer door of the house was locked, but the key was in the lock. It was about 12:30 Noon, two persons came inside the house. One was having covered face and the other person, who was not under cover, took his pistol out and put it on her temple and gagged her mouth with a cloth

lying on the bed. They asked her to bring out everything she had and hand over to them or else she would be killed. Under fear, she told about the gold ornaments kept in the wooden cupboard in the store of her bedroom and a sum of Rs.5,00,000/- in the iron cupboard locker. They immediately took the gold ornaments and cash and put in a bag. Meanwhile, three other persons, who had their faces covered, entered the house and one of them climbed the stairs and went to the upper part of the house but came down after a few minutes. All the said five persons locked her in the bedroom and left. She was sitting in her bedroom in panic. After about 45 minutes, her sister-in-law and father-in-law, who lived in her neighbourhood, came to her house and opened the door of the bedroom.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in this case as he was not named in the FIR. Co-accused Manpreet Singh did not name him. No act is attributed to him. Challan is already presented. He is in custody since 29.05.2022.

Learned State Counsel has opposed the petition on the ground that the petitioner has chosen the house of the complainant, in pursuance of which, offence was committed. He showed the house of the complainant to co-accused Sukhpreet Singh @ Sukh who made a plan with other accused persons and resultantly, the offence was committed. He had actually participated in the crime. However, he has fairly admitted that the petitioner is in custody since 29.05.2022 and prays for dismissal of petition.

Heard.

As per the Status Report filed on behalf of the respondent-

State, secret information was supplied to the Investigating Officer that

Manpreet Singh @ Bagicha Singh was the mastermind of the case in hand. He was arrested by the police. Manpreet Singh then disclosed that Sukhpreet Singh @ Sukh had informed him about the house of the complainant. He contacted his friends. On 31.05.2022, Sukhpreet Singh @ Sukh made a disclosure statement that the petitioner visited him on 10.05.2022 and told him that he would show the house of his neighbour namely Rahul Thakral to him who always used to have a lot of jewellery and cash at his house and in the morning, his mother used to be alone at the house. He saw the house and talked Manpreet Singh about planning a robbery. The petitioner also made a confessional statement admitting his role and got recovered a sum of Rs.5,000/- out of Rs.25,000/-, which was given to him. The petitioner was arrested on 29.05.2022. His name was disclosed by the co-accused Sukhpreet Singh @ Sukh on 31.05.2022.

It is debatable at this stage if the disclosure statement of co-accused Sukhpreet Singh @ Sukh can be used against the petitioner. The only allegation against the petitioner is that he got recovered a sum of Rs.5,000/- from an iron trunk lying in his house but it is difficult to say that those Rs.5,000/- were the same which were taken away from the house of the complainant.

Keeping in view the fact that the petitioner is in custody since 29.05.2022, the challan has already been presented and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released

on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Ferozepur.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 07, 2023
monika

(GURBIR SINGH)
JUDGE

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