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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-20561-2024 (O & M)
Date of decision: 01.05.2024

Gurmeet Singh Petitioner
V/s

State of Punjab ..Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Ramnish Puri, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.44 dated 08.03.2023 under Sections 307, 392, 342, 34, 325, 394 IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Beas, District Amritsar.

2. The present FIR came to be registered at the instance of Amit Kumar and reads as under:-

"Statement of Amit Kumar S/o Rajinder Kumar caste Soniara (goldsmith) R/o Shant Nagar, Dimpey wali gali, Peruman road Rayya aged about 38 year mob. 98769-68025. Stated that I am a resident of above mentioned address and having gold jewellery shop namely Deepak Jewellers situated on Pheruman Chownk Rayya. Today I was working on my shop with my partner Sonu Bagga S/o Satpal Bagga R/o Amritsar. At about 12:00 pm four youngsters came on activa and motorcycle and stopped outside my shop who had covered their face with cloth. One of amongst them, stood outside my shop and three came inside the shop and two of them were having pistol and one was having sword (kirch) and ordered me that whatever you have and in your shop give to me otherwise we will shoot you and

they forced me and my partner Sonu Bagga to be locked in cabin built in the shop and they start looting gold and silver jewellery and other valuable articles by putting in their bags. They hurriedly started searching the shop and started to put some articles in their pockets. I was having my licensed revolver and in my self-defence. I fired some bullets and in return armed youngster fired on us with an intention of killing us and then we shouted loudly Maar Ditta Maar Ditta. Then my Uncle Surinder Kumar S/o Prem Swaroop R/o Shant Nagar, Rayya whose shop namely Prem Jeweller was near to my shop came to the spot and those youngsters while firing went outside the shop and their 4th partner sitting on activa and they all try to escape on the activa and motorcycle and we chased them. One of them pushed my Uncle and he fell down and injured his right arm. Then he started fighting with me. He hit me with butt of the pistol in his hand with that my left eyebrow and eyes got injured. We managed to apprehend him and he told his name as Gurmeet Singh S/o Hardeep Singh R/o Jallupur Kheda. Upon firing by me in my self-defence, Gurmeet Singh received injuries and he told us the names of the other partners who escaped as Karan S/o Hardeep Singh R/o Bhinder, Ranjit Singh S/o Lovejeet Singh @ Labbu R/o Jallupur Kheda and Shera R/o Jallupur Kheda. The Escaped youngsters took gold jewellery and some money, the details of which I will tell you later on. The apprehended youngster by us has been handed over to you and legal action should be taken. Amit Kumar SD/- Amit Kumar”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The statement of Sonu Bagga was recorded as PW-3 and he had not supported the prosecution case. As the petitioner was in custody since 08.03.2023 and only 03 out of the 17 prosecution witnesses had been examined so far, therefore, the Trial

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of the present case was not likely to be concluded anytime soon,. Thus, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner was apprehended at the spot and therefore, his name finds mention in the FIR itself. Pursuant to his arrest, the recovery of fire-arms came to be effected from him. Merely because one of the witnesses had turned hostile did not entitle the petitioner to the grant of bail as there were other witnesses who were required to be examined. The petitioner had earlier filed a petition seeking the concession of regular bail and had withdraw the same as recently as on 09.01.2024. Similarly, a co-accused/Ranjeet Singh had approached this Court seeking grant of bail, but withdrew his petition on 15.03.2024. No significant change in circumstances had been pointed out by the petitioner entitling him to the grant of bail. Even otherwise, he was a habitual offender with multiple other cases registered against him. Therefore, he was not entitled to the concession of bail.

5. I have heard the learned counsel for the parties.

6. As per the prosecution case, the petitioner was apprehended at the spot and disclosed the names of his co-accused as Karan, Ranjeet Singh and Shera. The bail application of Ranjeet Singh was argued and on the Court not being convinced stood withdrawn on 15.03.2024 . Though, some of the witnesses have not supported the prosecution case, multiple other witnesses are required to be examined and at this juncture, it cannot be held that there was no possibility of the conviction of the petitioner. It may be pertinent to mention here that when he was arrested, the recovery of fire-

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arms with live cartridges was effected from him. Further, the petitioner is a habitual offender with multiple other cases registered against him.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 01, 2024
sukhpreet

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No