

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

CRM-M-23476-2023

Date of Decision:-20.03.2024

Kishanpreet Singh @ Mani @ Krishanpreet Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. P.B.S. Goraya, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.04 dated 04.01.2022 under Section 395, 379-B (2)/450/34, 392 (deleted) IPC and 25/54/59 of Arms Act registered at Police Station City Patti, District Tarn Taran.

2. The present FIR came to be registered at the instance of the employees of the Bank of Baroda which reads as under:-

“ Bank of Baroda Pattar/04012022/2022 04-01-2022 To, The S.H.O, Police Station, City Patti 143416 Sub-FIR for robbery at Bank of Baroda Patti branch. Dear Sir, 1. Please refer to the above mentioned subject. 2. It is to bring to your kind notice that today that is dated 04-Jan-2022 robbery took place in our Bank of Baroda Patti branch, Opposite Grain Market, Sarhali Road, Patti, District Tarn-taran at around 1357 hrs. Two men were already in the branch and two more were entering the

branch with covered faces but were approached by the outsourced Gunman of Ms Principle Security and Allied Services named Mr. Gursahib Singh. The Gunman told those individuals to uncover their faces. They pulled down their Masks/Mufflers and immediately covered their faces. At this moment the other two individuals pulled out the pistols and aimed at the Gunman and immediately disarmed him by snatching his gun, simultaneously all of them threatened the customers and staff to get at one side and raise their hands up in the air. There after one of them went to the cashier cabin and break open, its gate and there after threatened the cashier to handover the cash drawer key to him and thereafter the individual loaded all the cash in a bag meanwhile the other person took out the branch IP server/modem from its cabinet thinking that its CCTV DR and however he immediately realized that the cameras have not switched off. Then he approached the Branch Manager and manhandled him and threatened him to hand over the CCTV DVR drawer's key. The Manager Mr. Kamaldeep Vinayak told them he does not have the keys of the CCTV DVR box and on this they got hold of a bunch of keys which were not of the drawer, they took it and thereafter broke open the CCTV DV drawer thereafter they took away the CCTV DVR. They took away IP Server/modem, Gunman's gun, branch manager's keys and his bag and cashier's bag too along with the cash. Thereafter all four of them having small, arm (pistol/revolver) with them threatened the entire staff and customer not to raise alarm or inform any one or else they will shoot all the people and they exited the branch and sped off in WHITE POLO CAR towards south direction Sarhali Road. Thereafter the branch immediately sounded the alarms and pulled down the shutters and informed the Police. The Police arrived within 15 minutes. The Details of the items robbed from the branch are attached herewith as Annexure 1. 3. You are kindly requested to lodge an FIR and take appropriate and necessary action for the said incident please. Yours faithfully, SD/-Kamaldeep Vinayak (Kamaldeep Vinayak), SD/-Yashumbajaj, SD/ Lalit Sharma SD/- BANK OF BARODA DANA MANDI, PATTI-5318."

3. During the course of the investigation information was received that the accused of the present incident had been apprehended by the police in FIR No.16 dated 31.01.2022 under Sections 395, 392, 506 IPC, Sections 25, 54, 59 of Arms Act P.S. Chatiwind, District Amritsar. The police personnel contacted the SHO of P.S. Chatiwind, Amritsar and nominated Gurpreet Singh @ Gora, Kulwinder Singh @ Mandar and Kishanpreet Singh (petitioner) as accused in the present case as well.

During the investigation Kishanpreet Singh disclosed that on 4.1.2022 Gurpreet Singh, Kulwinder Singh, Prem and Jupa had looted the Bank of Baroda, Grain Market, Patti and the rifle which had been snatched from the guard was handed over to him and was later on recovered in case FIR No.16 dated 31.01.2022 under Sections 395, 392, 506 IPC & Sections 25, 54, 59 of Arms Act P.S. Chatiwind, District Amritsar.

On 26.04.2022 Gurpreet Singh @ Gora was arrested and his disclosure statement is to the similar effect.

During the course of the investigation Section 392 IPC was deleted and offence under Section 395 IPC was enhanced.

On 13.06.2022 Kulwinder Singh @ Mandar who had been lodged in Central Jail, Gurdaspur in FIR No.311/2022 under Sections 395, 192, 506 IPC and Sections 25/54/59 of Arms Act was arrested in the present case.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of his co-accused. However, taking the prosecution case to be correct, only a weapon had been handed over to him. As he was in custody since 14.03.2022, none of the 12 prosecution witnesses had been examined so far and he had been granted the concession of bail by this Court

in 02 of the 03 other cases registered against him, he was entitled to the concession of bail in the instant case as well.

5. The Counsel for the State has filed reply by way of affidavit dated 20.03.2024 of Mr. Kanwalpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran in the court today, which is taken on record. While referring the said reply, he contends that the petitioner was an active participant with the other accused. He had criminal antecedents with multiple cases of similar nature registered against him. Therefore, he was not entitled to the concession of bail. He however, concedes that the petitioner was in custody since 14.03.2022, none of the 12 prosecution witnesses had been examined so far and that in the 02 of the 03 other cases pending against him arising out of FIR No. 16 dated 31.01.2022 under Sections 395, 392, 506 IPC, Sections 25, 54, 59 of Arms Act P.S. Chatiwind, District Amritsar and FIR No.18 dated 07.02.2022 under Sections 395, 392, 506 IPC and Section 25 of the Arms Act P.S. Kamboo, District Amritsar he had been granted the concession of bail by this Court.

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

6. The veracity of the prosecution case against the petitioner and his co-acused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 14.03.2022 but none of the 12 prosecution witnesses had been examined so far. In 02 of the 03 other cases registered against the petitioner, he had been granted the concession of bail. Therefore, he can be granted the similar concession in the present case as well.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Kishanpreet Singh @ Mani @**

Krishanpreet Singh son of Sh. Pargat Singh is ordered to be released on

bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

11. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

12. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 20, 2024
Vinay

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