



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

CRM-M No.22533 of 2024

Date of decision: 22nd May, 2024

Gaurav Kumar @ Golu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurinder S. Dhot, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.081 dated 10.06.2023 under Sections 395, 342, 323, 427, 506, 120-B of the IPC and Section 25 of the Arms Act, 1959 (Sections 379, 411, 412 IPC added later on) registered at Police Station Sarabha Nagar, District Ludhiana.

2. Learned counsel for the petitioner submits that he has been in custody since 17.06.2023, in a case of false implication which is obvious from the fact that he has no criminal history; the petitioner is being linked to the crime in question on account of the recovery of 5 DVRs and 2 WiFi routers which was allegedly affected from him and the co-accused. Learned counsel submits that false recoveries have been planted upon him and apart from this there is no recovery affected from him much less the looted money. It has also been urged that since



investigation is complete and challan stands presented, followed by the framing of charges on 31.01.2024, no useful purpose would be served in keeping the petitioner in custody as the trial would take a considerable amount of time to conclude. Learned counsel has also submitted that till date not even a single prosecution witness has been examined and hence, he be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has argued that the petitioner was an active participant in the robbery which took place at New Rajguru Nagar, Ludhiana. He deleted the relevant footage from the DVRs which had captured the occurrence in question; recovery of the DVRs and two WiFi routers, which had also been taken away at the time of the crime in question by the accused, was affected from him, which leaves no manner of doubt about his participation in the crime in question. Learned State counsel has submitted that no doubt he was not named at the time of the lodging of the FIR, however, his role in the crime in question surfaced during investigation, and following the arrest of the other accused. Learned State counsel has also submitted that in case the petitioner is released on bail there is substantial risk that the petitioner could intimidate or influence the witnesses or abscond during trial.

4. I have heard learned counsel for the parties and perused the relevant material on record.



5. Before proceeding further, it would be apposite to reproduced the FIR, which has been annexed as Annexure P-1:

“Statement of Parveen son of Sh. Attar Singh resident of Village Chehar Kalan, Tehsil Lohara, District Bhiwani, State Haryana present resident as tenant in House no.221-D, Rajguru Nagar, aged 32 years Mobile No.73470-17134, 93566-53731. Stated that I am resident of above said address and am doing the job as Branch Manager since last about 2 months in CMS Inforsystem Ltd. Company Ludhiana, office of which is at 198, 201, Near Royal Resort Aman Park, New Rajguru Nagar, Ludhiana. My duty time in this company is from 10:00 AM morning to 07:00 PM. Today in the morning at about 05:50 AM, I received a telephone call from Operation Manager Ranjit singh son of Shri Sher Singh resident of 464, St.no.06, Mohalla Nanaksar New Shimlapuri, Ludhiana that robbery has happened in our office, you please come to the office immediately and upon telling by him, I immediately reached my above said office and information of this act/robbery was given by me to my senior officer Gokul Shikhawat. After reaching the office and seeing the condition thereof, I gave information of the same to Police Control Room Ludhiana and the security guard Amar Singh son of Swarn Singh resident of Village Sarrian, District Fazilka present in the office told me that in the night at about 2:00 AM, 8-10 unknown thieves in collusion and in connivance with each other and by hatching up a criminal conspiracy with other persons came with armed and deadly weapons and they came inside the office after putting the cloth in my mouth and they also tied me with the



ropes and thereafter had beaten me. Thereafter, the said robbers captured security guards Balwant Singh son of Sohan Singh and Paramdin Khan son of Jagdev Deen Khan residents of Ludhiana at gunpoint and took away the rifles from them and after beating them, tied their hands-feet with ropes, covered their mouths. and kept them captive and put red chilies in their eyes and thereafter, captured them in the room and also stole the DVR with recording cameras installed in the server room and entered the cash room by pulling the wires of the magnetic lock. In the cash room, the employees Himmat Singh son of Rashpal Singh residents of Village Dugri, Ludhiana and Harminder Singh son of Dilbagh Singh resident of Dhoka Mohalla, were counting the cash, then the said robbers broke the mobile phones of Himmat Singh and Harminder Singh by forcibly taking the same from them and throwing it on the floors and after beating them, they took them out of the cash room to main bolt room and covered their faces, tied their hands and feet and threatened that they will shoot them if they would shout. After that, these robbers by entering in the cash room, robbed the crores of rupees lying on the table, which were being counted by us and as per the counting which were robbed by the thieves, the amount of the said cash was Rs.8,49,00,000/-. Unknown robbers after doing the act of robbing, kept the entire amount in the vehicle no.PB-10-JE-710 TATA made and keeping the weapons of security guards which were taken by them from the security guard in a room, ran away from the spot along with the cash. Please action be taken against the robbers who conducted robbery in our company CMS Inforsystem Ltd



Ludhiana. Statement has been recorded before you, read over and admitted as correct.”

6. A perusal of the FIR, which has been reproduced hereinabove, reveals that all the accused committed robbery running into crores of rupees, while being armed with deadly weapons. During investigation, recovery of DVRs and WiFi sets was affected from the possession of the petitioner, which prima facie corroborates the allegations levelled in the FIR in question. The trial is at a critical stage, with several key prosecution witnesses yet to testify. Consequently, this Court concurs with the submissions made by the learned State counsel that there is strong likelihood that the petitioner could intimidate or influence these witnesses or even abscond during trial.

7. In the facts and circumstances, as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 22, 2024
rps

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