



CRM-M-25993-2024(O&M) #1#

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

CRM-M-25993-2024(O&M)**Date of Decision:-30.08.2024****Gurmeet Singh.**

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Siddarth, Advocate for the Petitioner.

Mr. Prabhdeep Singh Dhaliwal, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this third petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.44 dated 08.03.2023 under Sections 307, 392, 342, 34, 325, 394 IPC and Sections 25/27 of Arms Act registered at Police Station Beas, District Amritsar.

2. The present FIR came to be registered at the instance of Amit Kumar son of Sh. Rajinder Kumar and the same 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 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 Jallapur 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 Jallapur Kheda and Shera R/o Jallapur 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 A legal action should be taken. Amit Kumar SD/- Amit Kumar.”

3. The petitioner Gurmeet Singh was apprehended at the spot and disclosed the names of his co-accused Karan, Ranjit Singh & Shera.

Shamsher Singh @ Shera and Ranjit Singh were arrested on 10.03.2023. They suffered their disclosure statement admitting to have committed the offence in question along with the petitioner. A kirch used Shamsher Singh @ Shera and pistol used by Ranjit Singh were recovered at their instance. One Karanbir Singh was declared innocent.

4. The counsel for the petitioner contends that during the course of the Trial Amit Kumar, complainant and his uncle Surinder Kumar had been examined as PW-1 & PW-2 and had not supported the case of the prosecution. Therefore, the petitioner was entitled to the concession of bail.



5. The Counsel for the State has filed short reply by way of affidavit dated 28.08.2024 in the court today, which is taken on record. While referring to the said reply he contends that Gurmeet Singh (petitioner) was apprehended at the spot. He had disclosed the name of his co-accused from whom various recoveries had been effected including the weapon used in the occurrence. The petitioner was a hardcore criminal with 06 other cases registered against him. The evidentiary value of the statement of PW-1 Amit Kumar and PW-2 Surinder Kumar shall be adjudicated upon during the course of the Trial. He however points out that the said statements were recorded on 05.01.2024 and the bail applications of the petitioner and his co-accused Shamsheer Singh @ Shera were argued at length and came to be withdrawn on 09.01.2024. Therefore, the evidence of the said witnesses who had turned hostile had been considered by this court earlier and the petitioner and co-accused had not been granted the concession of bail. No new change in circumstances had been pointed out entitling the petitioner to the grant of bail.

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

7. As per the prosecution case the petitioner was apprehended at the spot during the occurrence in question. On the statement of the Gurmeet Singh-petitioner his co-accused were arrested and recoveries of weapons used in the occurrence were effected from them. Though the complainant PW-1 Amit Kumar and PW-2 Surinder Kumar had turned hostile, the evidentiary value of the said statements shall be adjudicated upon during the course of the Trial. Interestingly, the statements are dated 5.1.2024 and the bail applications of the petitioner and his co-accused came to be argued and withdrawn on 09.01.2024 after the witnesses had turned hostile. Therefore, there are no material change in circumstances entitling the petitioner to the grant of bail particularly when he is an accused in 06 other cases arising out of (i) FIR No. 133 dated 24.08.2016 under section 406 and 420 IPC, Police Station Kahnuwan, District Gurdaspur, (ii) FIR No. 184 dated 22.12.2019 under section 420 and 120-B IPC, Police Station Bullowal; (iii) FIR No. 236 dated 02.07.2020 under section 420 and 406 IPC, Police Station Naraib, Jharkhand; (iv) FIR No. 131 dated 12.08.2020 under section 420 IPC, Police Station Civil Lines, Bathinda; (v) FIR No. 319 dated 06.02.2021 under section 420 IPC, Police Station Sadar, Ropar; and (vi) FIR No. 09 dated 25.01.2023 under sections 420 and 120-B IPC, Police Station Kahnuwan,



District Gurdaspur.

8. As regards the grant of interim bail to the petitioner/applicant on account of the illness of his mother is concerned, it may be pointed out that there is nothing to suggest that the medical condition of the mother of the applicant/petitioner is such that she is unable to take care of herself. Further there is nothing on record to show that there was no one else in the family of the petitioner to take care of his mother. In fact the application bearing CRM-25689-2024 seems to have been filed with a view to obtain bail on one pretext or the other.

9. In view of the above, I find no merit in the present petition as well as in the application seeking interim bail and both stand dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 30, 2024
Vinay

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