



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

CRM-M No.27633 of 2024
Date of decision: 27th August, 2024

Dharampreet Singh @ Bunty

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.31 dated 10.02.2023 under Sections 399, 402 of the IPC and Section 25/54/59 of the Arms Act, 1959 (Section 411 IPC added later on) registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner submits that he has been in custody since 10.02.2023 and till date not even a single PW out of the 12 cited has been examined, even though, charges were framed way back on 28.07.2023. It has been submitted that although the petitioner has been named in the FIR in question, however, it is a case of false implication; the alleged recoveries shown to have been affected from the petitioner do not link him with the alleged offences; the car which was recovered from the petitioner had been purchased by him and even some



of the mobile handsets allegedly recovered from the petitioner had also been purchased by the petitioner.

3. On a pointed query put to the learned counsel, he has submitted that the petitioner has no criminal antecedents. It has been submitted that in the aforementioned facts and circumstances, since the complaint has been registered at the instance of the police, there could be no apprehension of the petitioner tampering with the evidence or influencing the witnesses in any manner.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner and it has also not been disputed that after charges were framed on 28.07.2023, the case had been repeatedly adjourned on account of continuous non-appearance of the prosecution witnesses, who in the present case are all police officials.

5. On a pointed query put to the learned State counsel, he has also not controverted qua the petitioner's non-involvement in any other criminal case. However, learned State counsel has submitted that the petitioner was specifically named in the FIR, which stands reproduced herein below:

*“Contents of ruqa: SHO Police Station Gobingarh,
Jai Hind. Today I, SI/SHO alongwith ASI Amrik Singh No.
22/FGS, ASI Rajinder Singh NO. 330/FGS, ASI Baldev*



Singh No. 796/FGS, ASI Shashwat Kumar No. 254/FGS, HC Harpreet Singh No. 1013/FGS, S/CT Tilak Raj No. 936/FGS, S/CT Navdeep Singh No. 917/FGS, PHG Jatinder Singh No: 411/FGS, travelling via Govt. Vehicle with Registered No. PB65BA-8131 which was driven by ASI Darshan Singh: No. 331/FGS and Govt. Vehicle Bolero No. PB-23F-9564 driven by ASI Azam Khan No 328/FGS, carrying laptop/printer with them were patrolling the area and also checking the suspicious persons. The suspicious persons were present at traffic light chowk Mandi Gobindgarh which is within the jurisdiction of police station then I SI/SHO alongwith fellow police personnel at around 6PM and I was informed by our informer when he met us, the information was that Manish Kumar @ Mohni S/o late Harminder Kumar R/o House No. 156, Ward No.7, Jindal Medical Hall street, Subhash Nagar, Mandi Gobindgarh, Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Gurjant Singh @ Landaru S/o Lachhman Singh R/o Village Ajnali, Mohalla Tarlokपुरi, Police Station Gobindgarh, District Fatehgarh Sahib, Tarun Kumar @ Nona S/o Tarsem Lal r/o Village Ladora, District Karnal, Haryana now residing at Village Ajnali, Mohalla Tarlokपुरi, Police Station Gobindgarh; District Fatehgarh Sahib, Dharampreet Singh Buntty S/o Harnek Singh R/o Village Kumbhra, PS Gobindgrh, District Fatehgarh Sahib, Malkit Singh @ Miti S/o Shamsher Singh R/o Village Ajnali, Mohalla Tarlokपुरi, Police Station Gobindgarh; District Fatehgarh Sahib, Sahil S/o Dev Raj R/o Village Ajnali, Mohalla: Tarlokपुरi, PS



Gobindgarh, District Fatehgarh Sahib, Vishal @ Mani S/o Narinder Sharma R/o Vehra Buta Singh, Model Colony, Vishavkarma Nagar, Mandi Gobindgarh, PS Mandi Gobindgarh, District Fatehgarh Sahib, Vikram Kumar @ Vicky S/o Bamb Lal @ Gopi R/o Vehra Buta Singh, Model Colony, Vishavkarma Nagar, Mandi Gobindgarh, PS Mandi Gobindgarh, District Fatehgarh Sahib at present resident as Tenant in Street No.6, Subhash Nagar, Mandi Gobindgarh, PS Gobindgarh, District Fatehgarh Sahib, who all are bad natured persons. They all in connivance with each other has committed various incidents in Mandi Gobindgarh and in surrounding area. They have formulated a gang of their own. They are in possession of car Bearing Regd No.DL-13CM-2727 Chevrolet Cruze colour Off white and one motorcycle with registration No. HR-01-AT-2190, Hero Honda Splendor colour Silver, one another motorcycle with Rged NO. PB-10EJ-7508 Bajaj Pulsor colour black. They use the above said vehicles to commit crime. Today all the above mentioned gathered at Dhaki Chatarpura, a place alongwith deadly weapons with the planning to committing a big Dacoity. If a planned raid is been conducted then these above mentioned persons could be apprehended alongwith the deadly weapons and arms. The information was true and trustable! The commission of such an act by the above mentioned fulfills the basic requirements of IPC U/s 399/402, 25/54/59 of Arms Act. So message (Rukka) is been sent in writing to the police station Mandi Gobindgarh through PHG Jatinder Singh No. 411/FGS to register an FIR against Manvir Kumar @ Mohni, Gurjant



Singh @ Landaru, Tarun Kumar @ Nona, Dharampreet Singh @ Bunty, Manjit Singh @ Meeti, Sahil, Vishal @ Mani, Vikram Kumar @ Vicky. After registering the FIR, the number be shared thereof. Incharge control room Fatehgarh Sahib and Senior Officers to be informed and special reports be prepared. I SI/SHO alongwith fellow police personnel left for the place of occurrence. Sd/- Akash Dutt SI SHO PS Gobindgarh dated 10-02.-2023.”

6. Learned State counsel has further submitted that on being arrested, one car along with two baseball bats, two iron rods, a country-made pistol and 22 mobile handsets were recovered, which corroborated the secret information received qua the involvement of the petitioner and co-accused in such like crimes in the area. On further instructions, learned State counsel has submitted that the next date of hearing fixed before the trial Court is 24.09.2024 when there is every likelihood that some of the witnesses cited by the prosecution would be examined.

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

8. The trial has come to a virtual stand still after the charges were framed more than one year back, i.e. 28.07.2023. It has not been disputed by the learned State counsel, on instructions, that the prosecution witnesses in the present case are all police officials, however, they have not appeared even on a single date to get their evidence recorded. In the facts and circumstances as enumerated



hereinabove, more so when the petitioner is not involved in any other criminal case, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

9. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 27, 2024
rps

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