



211 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30623-2024
Date of decision: 5th July, 2024

Rohit Kumar
Versus
State of Punjab
...Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
25	14.03.2024	Sadar Rajpura, District Patiala, Punjab	473, 34 of IPC, 1860 and 25(6), 25(7) of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 14.03.2024, a police party headed by ASI Tejinder Singh received a secret information that the petitioner along with co-accused Shamsher Singh @ Shera, Gulshan Kumar @ Golu was standing under bridge Uksi Sainia, while being in custody of illegal arms and ammunition and was waiting for some person. It was also informed that all of them could be apprehended, if raid was conducted. It was also informed that they were



hand in glove with several gangsters operating from foreign countries and especially one Gurwinder Singh, who originally hailed from village Pelhkhani, Rajpura, but was residing in USA now and on their behest, kept arms and ammunition in their possession and were involved in committing several crimes of murder, extortion and extending threats as well as supplying illicit weapons. The secret informer also informed that they had come in a Ford icon vehicle with a fake number plate. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place. The petitioner and co-accused were apprehended from the spot. A .32 bore revolver was also recovered from all three of them. They were formally arrested. The illegal ammunition was taken into custody. During investigation, offence under Section 384 of IPC was deleted. Investigation has since been completed and challan stands presented in the Court.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that the co-accused Shamsheer Singh whose case was on similar footing was extended benefit of bail by the learned trial Court. Petitioner has been falsely implicated in this case. He is a driver of one contractor of Thermal Plant and was picked by the police while he was working at thermal plant. A false recovery has been planted upon him. During investigation, Section 384 of IPC was deleted, thereby falsifying the allegation that the petitioner was involved in extortion. The petitioner is a young person having a permanent abode. There are no chances of his absconding. No useful purpose would be served by keeping him in



custody anymore. Therefore, it is argued that he deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner and therefore, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The co-accused Shamsher Singh, whose case is on similar footing, has been extended benefit of bail by learned trial Court vide order dated 18.04.2024. The petitioner is in custody since 14.03.2024. Trial has commenced but is likely to take time. The subject offences are triable by Magistrate. Keeping in view the nature of the subject offences, the period of incarceration of the petitioner and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |