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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36689-2024
Date of Decision:-16.10.2024

HARJEET SINGH ALIAS LUBANA

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sukhbir Maandi, Advocate, for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
15	28.02.2024	392, 452, 506 IPC and 25 of Arms Act (120-B, IPC and 54, 59 of Arms Act)	Mehta, District Amritsar (Rural)

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



submits that petitioner was not named in the FIR but was nominated on the basis of secret information allegedly received by ASI Rajinder Pal. He submits that the petitioner has no concern with the alleged crime, hence prayed for grant of anticipatory bail to the petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that although the petitioner is not named in the FIR but he was nominated on the basis of secret information later on but there are specific allegations against the petitioner of having actively participated in the occurrence and even the co-accused Jatinder @ Kalu in his disclosure statement had specifically mentioned that the petitioner after using the pistol in the crime had handed over to him which was later recovered by the police. He submits that custodial interrogation of the petitioner is required for the recovery of robbed articles. Hence he prays for dismissal of the petition.

5. After considering the arguments and perusing the record, it is observed that the instant FIR was registered on the basis of the statement given by the Ranjit Kaur stating that on 28.02.2024 at about 06:30 AM when she opened the main door then two youths with muffled faces caught hold of her and gagged her mouth and that of her daughter with cloth and they were given beatings and asked to handover the belongings to them. Both accused fired in air with their respective pistols and removed her earrings and took away ₹5,000/-, Iphone and other articles besides forcibly taken away Swift Car No. PB02-ED-6708.

6. It is evident from the reply submitted by the State that during

investigation co-accused Jatinder Singh was arrested who suffered disclosure statement to the effect that the petitioner had used the pistol at the time of occurrence and had handed over to him after committing crime and said pistol was recovered from the possession of Jatinder Singh. It is also evident from the perusal of record that the petitioner had actively participated in the occurrence and had fired from the pistol during course of robbery and the articles robbed from the complainant are to be recovered for which custodial interrogation of petitioner is required. Therefore, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

16.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |