



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-39376-2024(O&M)
Date of Decision: 11.09.2024

ARSHJOT SINGH @ ARSH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Jatin Bansal, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.68 dated 27.02.2024 under Sections 307, 427, 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Sohana, District SAS Nagar, Mohali on the basis of complaint lodged by the complainant Dev Singh Rawat posted as Manager at Katani Premium Dhaba, Sector 79, Mohali to the effect that on night of 26/27.02.2024, he along with co-workers had left the dhaba at about 12.40 AM. In the next morning when he came to dhaba to perform his duty, he found that front glass of the door of the dhaba to be damaged and he found two holes in front glass of door of the dhaba. On checking, he found that those holes were due to firing of bullet shots in the glasses. Four empty shells of pistol/revolver were found lying inside the dhaba. On checking the CCTV camera, it was revealed that three youths, two of whom were armed with weapons, had come riding on a motor cycle and had fired four shots in the showroom existing in the dhaba and then



all of them fled away. By stating that he could identify those three persons, on seeing them, he prayed for taking action in the matter.

2. After registration of FIR, investigation proceedings were initiated. During investigation, the accused Amritpal Singh was arrested on 29.02.2024. On interrogation, he suffered disclosure statement admitting his involvement in the subject crime and also took the name of the petitioner as one of the persons who was accompanying him. On the basis of this disclosure statement, the petitioner was nominated as an accused and arrested on 06.03.2024. On interrogation, he disclosed that he was in touch with a wanted gangster Lucky Patial and had been collecting information about the dhaba wherein the complainant had been working, as per the direction of the said gangster. The investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No CCTV footage showing his complicity in the subject crime could be collected by the investigating agency. His custodial interrogation is no more required. The trial is likely to take time. No useful purpose would be served by keeping him in custody any more. It is, therefore, argued he deserves to be given concession of bail.

4. Status report has been filed by respondent-State. It is submitted therein and learned State counsel has vehemently argued that there are specific and serious allegations against the petitioner as he along with co-accused had fired shots in the dhaba wherein the complainant was working thereby making attempt to kill inmates of the dhaba and also to intimidate them. A Fortuner car



bearing no. CH-01-AT-3466 which was used by the petitioner for conducting recce of the dhaba had been recovered by him. The petitioner has admitted his connection with the gangster involved in committing organised crime under State of Punjab and beyond that. The petitioner has criminal antecedents, as he is involved in one more case of similar nature. There are chances of his absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. Heard.

6. The petitioner is alleged to have joined some infamous gangster and is alleged to be involved in work of doing recce on behalf of the said gangster for the purpose of targeting the dhaba owner for extracting money from him. He was not named in the FIR. It is not revealed that CCTV footage collected by the police showed his involvement in the incident of firing shot with pistol in the premises of dhaba on the night of 26/27.02.2024. Investigation has since been completed. Challan stands presented. Trial is likely to take time. His prayer for being released on bail cannot be declined due to the reason that he is involved in another case registered under Section 307 of IPC. His further detention would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Apart from the disclosure statements of the co-accused no material is shown to have been collected by the prosecution to show the proximity of the petitioner with some organised gang/gangster. Keeping in view the above discussed 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.

11.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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