

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40589 of 2024
Reserved on: 16.10.2024
Pronounced on: 22.10.2024

Amandeep Kumar @ Aman ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishvjeet Singh Rishi, Advocate (Through VC)
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
59	28.03.2024	Sadar Ludhiana, District Ludhiana	399, 402 IPC (Section 379- B(2), 411 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:
- (i) *That on 27.03.2024, ASI Prit Pal Singh (hereinafter referred to as "the complainant"), along with a police party, was present near Bedi Farm House, Basant Avenue, Ludhiana. At about 10:00 PM, the complainant received information from a secret informer that individuals namely Ashwani, Mohit, Amandeep Kumar (@ Aman (the petitioner), Rahul @ Bhuchi, Amandeep Singh, Paramjeet Singh @ Pamma @ Samar, and Harvinder Kaur who were allegedly involved in snatching and theft. It was further informed that the aforementioned individuals were currently present at an empty plot with small boundary walls in Basant Avenue Colony, wielding deadly weapons and planning to commit dacoity in the houses of nearby residential area. Acting upon this information, a "Ruqa" was sent to Police Station Sadar, Ludhiana, and based on the same, the present case, i.e., FIR No. 59 dated 28.03.2024, was registered under Sections 399 and 402 of the IPC, wherein the*

individuals, including 1. Ashwani, 2. Mohit, 3. Amandeep Kumar @ Aman (the petitioner), 4. Rahul @ Bhuchi, 5. Amandeep Singh, 6. Paramjeet Singh @ Pamma @ Samar, and 7. Harvinder Kaur, were arrayed as accused.

(ii) That upon the registration of the aforementioned FIR, the investigation was promptly initiated, and a police official, Const. Gurjit Singh, dressed in civil attire, was sent to the spot to covertly overhear the conversation amongst the accused individuals. Constable Gurjit Singh returned and informed that he had overheard the group discussing plans to commit a robbery at nearby houses later that night. Acting on this information, a raid was conducted at the said location. Upon noticing the police party, the individuals at the spot attempted subsequently: to flee and subsequently:

- Accused Ashwani was apprehended as he tried to escape on a TVS motorcycle without a number plate, and during his personal search, a Datar Loha and 4 mobile phones were recovered.*

- Accused Mohit was apprehended as he tried to flee on a Plazer Scooty bearing number PB 10 HB 9398, and during his search, a Datar Loha and 4 mobile phones of different companies were recovered.*

Amandeep Kumar @ Aman (the present petitioner) was apprehended, and during his search, a Datar Loha and 3 mobile phones were recovered.

- Amandeep Singh was also apprehended, and a Datar Loha and 3 mobile phones were recovered from him.*

- Harvinder Kaur was apprehended by Lady Constable Kavita, and during her search, a sharp knife was found in her right hand, and a plastic bag containing 7 mobile phones was recovered.*

- Two accused individuals, Rahul @ Bhuchi and Paramjit Singh @ Pamma, managed to flee the scene by taking advantage of the darkness.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“Role of the petitioner

The petitioner, Amandeep Kumar @ Aman, alongwith the other co-accused on 27.03.2024 were wielding deadly weapons and were preparing to carry out a dacoity in the residences around the Basant Avenue area of Ludhiana. Upon conducting a raid, the petitioner along with other co-accused persons, was

apprehended while attempting to flee, and a Datar Loha and three mobile phones were found in his conscious possession.

Evidence against the petitioner

Upon his arrest, three mobile phones and a Datar Loha were recovered from the petitioner's possession. Furthermore the petitioner in his statement disclosure under Section 27 of the Indian Evidence Act had admitted to participating in two other separate incidents: one where he, along with Mohit and Ashwani, had snatched 24,000 from an individual in Mohalla Satjot Nagar, and another where they assaulted a migrant laborer and took his Samsung mobile phone and ₹10,000 in Mohalla Shaheed Bhagat Singh Nagar. The petitioner's confession also led to the recovery of a Datar Loha that had been used by him in these offences.”

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 8 of the bail petition, the petitioner has been in custody since 28-03-2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.
8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.10..2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.