



CRM-M-41451-2024

-1-

227

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

CRM-M-41451-2024

Date of Decision: September 19, 2024

Rohit Kumar @ Lobby

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.L.M.Gulati, Advocate with
Mr.Ashwani Kumar Khattar, Advocate
Mr.Satwinder Singh
for the petitioner.

Mr.J.S.Arora, DAG, Punjab.

.....

RAJESH BHARDWAJ, J.(ORAL)

1. Instant petition has been filed praying for grant of regular bail to the petitioner in case FIR No.101, dated 11.06.2024, under Sections 417, 420, 177, 465, 467, 468, 471, 120-B IPC, registered at Police Station Gate Hakima, District Amritsar.

2. Succinctly, the facts of the case are that on the secret information received to the effect that Abhey Kumar, Manpreet Singh alias Khanna, Kanwardeep Singh and Rohit alias Lobby (the present petitioner) were indulged in preparing the forged Aadhar cards of bogus addresses, got prepared fake armed licences in their names, purchased arms on the said forged arms license and used to threaten the people of the area. On receiving the information, FIR was registered and the investigation commenced. The accused named in the FIR were arrested and so the petitioner as well, who

**CRM-M-41451-2024****-2-**

was arrested on 17.07.2024. The petitioner approached the Court of Additional Sessions Judge, Amritsar, praying for grant of bail, however, after hearing both the sides, the same was declined vide order dated 30.07.2024. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

3. It has been contended by counsel for the petitioner that allegations made in the FIR are fake and no *prima facie* case, as alleged, is made out against the petitioner. He submits that petitioner has genuine licence and weapons. It is submitted that the co-accused of the petitioner have already been granted bail by the learned Additional Sessions Judge, Amritsar, vide separate orders, dated 21.08.2024 and 10.09.2024 as investigation was completed. He submits that bail application of the petitioner was rejected only on the ground that investigation was in progress. It is submitted that case of the petitioner is at par with that of the co-accused, who have already been granted bail and thus, petitioner also deserves to be granted bail.

4. Learned State counsel has filed a short reply by way of an affidavit of Gagandeep Singh, PPS, Assistant Commissioner of Police, (PBI Special Crime) Amritsar, dated 18.09.2024, on behalf of respondent/State today in Court. The same is taken on record. He has also filed custody certificate, dated 18.09.2024, today in Court. The same is taken on record.

5. Learned State counsel, on instructions from SI Jaspal Singh, opposes the submissions made by counsel for the petitioner. He has submitted that recovery of the weapon has already been made from the accused including the petitioner and the weapons and arm licences recovered

**CRM-M-41451-2024****-3-**

are also found to be forged. However, he submits that the co-accused in the present case have been enlarged on bail by the learned Additional Sessions Judge, Amritsar, and case of the petitioner is at par with that of the co-accused. He submits that investigation is already completed and the case is fixed for framing of charge. He submits that petitioner is also involved/nominated in six more cases.

6. Heard.

7. Evidently, as per custody certificate, though petitioner is involved in three other cases, however, he is on bail in all the cases. Co-accused have already been enlarged on bail. Case of the petitioner is said to be at par with the co-accused, who have been granted bail by the learned Additional Sessions Judge, Amritsar. Veracity of the allegations would be assessed by the trial Court only after appreciation of evidence to be led by both the parties. However, this Court would refrain itself from commenting anything on merits of the case, at this stage. In the overall facts and circumstances of the case, this Court finds that counsel for the petitioner succeeds in making out a case for grant of bail to the petitioner.

8. In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of trial Court/Duty Magistrate concerned. Nothing stated herein shall be treated as an expression of opinion on the merits of the case.

September 19, 2024

meenuss

**(RAJESH BHARDWAJ)
JUDGE**