

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-47943-2023

Date of Decision:-06.03.2024

Jaskaran Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. S.S. Rangi, Advocate with
Ms. Sukhan Rangi, Advocate for the Petitioner.

Mr. Deepinder Singh Brar, Senior Deputy Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.86 dated 23.04.2023 under Sections 392, 34 IPC and Section 25 of the Arms Act later on added Sections 395, 397, 411, 201, 506 IPC and Section 54 and 59 of Arms Act registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. The present FIR came to be registered at the instance of Anoop Mangi which reads as under:-

“ States that "I am a resident of the above mentioned address.

My firm Krishna Alloys is located at Subhash Nagar, Mandi

Gobindgarh. We deal in iron business. In my office Raja Vashish

s/o Brij Bhushan r/o near Jajua electronics, civil hospital road,

Amloh is working as a manager from the past 10 years, Kamaljeet

Singh Laali r/o Kotla Bajwada is driver, Naresh Kumar r/o

Salani, does the work of bringing cash, Gurmeet Singh r/o Kotla Bajwada district Fatehgarh Sahib works as a helper. Naresh Kumar does the job of bringing cash from different- different firms. He has gone to Delhi from the past 2/3 days for attending a wedding. Yesterday i.e. on 22.04.2023 Gurmeet Singh, Raj Vashisht and driver Kamaljeet Singh of our office had brought cash from different-different firms and kept in our office and after that Raj Vashisht and Kamaljeet Singh had brought cash from Rai Steel Prem Nagar road Mandi Gobindgarh at around 3:00 PM. They put the entire cash in a black colored bag and kept this bag in the drawer of the table which was kept on the first floor of the office. At around 3:30 PM, that Raj Vashisht along with Kamaljeet Singh Laali and Gurmeet Singh were sitting and working in the office that suddenly four young boys clean shaven (mona) entered our office via staircase, out of them one person had covered his face with mask while the other three persons had not covered their face who were carrying pistols, who were speaking in Punjabi, as soon as they entered they said that take out whatever cash has been brought, so the manager Raja Vashisht said that they have no money in the office. They said whatever cash you have just brought be given to them, when Raja Vashisht refused one person started beating him and also pointed a pistol towards him and slapped him on the face threw him down and searched him and then took out the key to the drawer of the table from his pant pocket and then searched the drawers of tables and Almirah of the office and took out the cash from the drawer of the table and put it inside a bag and while giving life threats they fled from the spot along with cash on a black motorcycle. While fleeing they also took away the phones of Raja

Vashisht and Gurmeet Singh and DVR installed in the office. That yesterday dated 22.04.2023, I along with my brother Gaurav Mangi was going to Hisar to attend a wedding while on the way our driver Kamaljeet Singh Laali called us and told us about the entire incident so we returned back and tried to investigate the entire matter on our own. That we will provide you the details of the cash after calculation. That these four unknown persons have looted cash from our office by putting our workers on the gunpoint. That I along with my brother Gaurav Mangi were going to the police station to give information regarding the same, that you met us at the light chownk Gobindhgarh. Statement has been recorded before you, I have heard it and admitted it to be correct. Sd/- Anoop Mangi."

3. On 26.04.2023 itself, the complainant got recorded a supplementary statement to the effect that near his office, one Jaskaran Singh (petitioner) was also having his office who on the date of occurrence i.e. 22.04.2023 had come into his office and had made certain inquiries regarding cash from his (complainant's) employees. On the basis of the statement of the complainant, Jaskaran Singh was nominated as an accused and was arrested. He got recovered Rs.1,02,000/- from his house.

On the basis of his interrogation, he disclosed the names of Ravinderpal Singh @ Ghora, Sandeep Singh and Sanjiv Singh. All three were arrested. Ravinderpal Siongh @ Ghora got recovered one 30 bore pistol, 04 live cartridges and one empty magazine. Sanjiv Kumar got recovered one 9mm pistol and 04 live cartridges. The investigating agency thereafter recovered two bags containing Rs.21,62,000/- and Rs.15,96,000/- respectively.

Ravinder Singh @ Ghora, Sandeep Singh and Sanjiv Singh were interrogated on the basis of which Kala and Kamal were nominated as accused under Section 411 IPC.

On 29.04.2023 complainant Anoop Mangi got recorded another supplementary statement as per which on the date of the occurrence various persons had got deposited a total amount of Rs.50 lacs with him (complainant). Section 201 IPC was added on account of disappearance of the DVR of the CCTV Camera.

One Arashdeep @ Arshu @ Kala and Chand Singh @ Kamlu came to be arrested in this case. They confessed that on 22.04.2023 they along with Ravinderpal Singh @ Ghora @ Raju, Sanjiv Singh and Sandeep Singh had robbed Rs.50 lacs from M/s Krishna Alloys, Mandi Gobindgarh.

On completion of the investigation a report under Section 173(2) Cr.PC was presented against accused persons under Sections 392, 34, 411, 201, 395, 397, 506 IPC and Section 25 of the Arms Act.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of suspicion alone. There was an inordinate delay in the registration of the FIR. The alleged occurrence took place on 22.04.2023 whereas the FIR came to be registered only on the next day. This delay was fatal to the prosecution case. There were material discrepancies in the statements of the complainant and other eye witnesses. The identification of the petitioner has not been affixed in accordance with law. In fact pursuant to his arrest the recovery of Rs.1,02,000/- had been planted upon him. As the petitioner was a first time offender, in custody since 26.04.2023 and none of the 29 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he is entitled to

the concession of bail.

5. The learned State counsel on the other hand has filed reply by way of affidavit dated 6.3.2024 of Mr. Rajesh Chibber, PPS, Deputy Superintendent of Police, Circle Amloh, District Fatehgarh Sahib in the court today, which is taken on record. While referring to the reply he contends that the petitioner along with other co-accused committed dacoity of Rs.50 lacs on gunpoint. Rs.1,02,000/- came to be recovered from the petitioner. There was sufficient evidence on record inculcating him in the offence. Therefore, he was not entitled to the concession of bail. He however concedes that the petitioner was a first time offender, in custody since 26.04.2023 and that none of the 29 Pws had been examined so far.

5. I have heard counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 26.04.2023 and none of the 29 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required so so when he was a first time offender with clean antecedents.

7. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-**Jaskaran Singh** son of Sh. Gurmukh Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the

cases mentioned in this order.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 06, 2024

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No