



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

CRM-M-51663-2024

Date of Decision:-24.10.2024

Talwinder Singh @ Nikku.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Gaurav Singla, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this 3rd petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail in case FIR No.29 dated 01.03.2022 under Sections 392, 379-B, 473, 412, 34 IPC And Section 25/54/59 of Arms Act, 1959 registered at Police Station Shambu, District Patiala.

2. The brief facts of the case are that on 01.03.2022 while the police party was on patrolling duty, Ajaib Singh (complainant) along with his friend Ramanpreet Singh and Amrinder Singh met the police party and got recorded his statement wherein he stated that he was working as a Deputy Manager/Cashier at ICICI Bank, Rajpura branch. On 28.02.2022 at around 7.30 pm after closing the bank he was going along with his colleague Mahima in his car make Verna. At about 8/8.30 pm when he (complainant) had halted his car near the railway line a white Swift Car came and stopped



behind them and two person alighted from it. When he (complainant) rolled down his window pane one of the persons opened the door of the car and dragged him out and also took out the keys of his car. When the complainant tried to scuffle with the unknown person then another person fired a shot from a pistol. In the meantime, Mahima, his friend also alighted from the car. Then two young persons snatched his (complainant's) car and fled towards Rajpura side. Their third accomplice who was driving the Swift car also went behind them.

Based on the said information the instant FIR was registered. During the course of investigation the statement of the complainant was recorded who stated that he had come to know that Manvinder Singh @ Chamkaur, Pawandeep Singh @ Pawan Garcha and Ranjodh Singh @ Jyoti were the persons who had snatched his car. Upon the abovesaid statement, three persons were nominated in the present FIR and an offence under Section 392 IPC was added.

On 20.03.2022 the aforementioned persons were arrested. From Pawandeep Singh recovery of one country made pistol 32 bore along with 6 live cartridges was effected. From Ranjodh Singh recovery of one Desi Katta 315 bore along with 2 live cartridges of 315 bore was effected.

Akashdeep Singh @ Akash and Raghwinder Singh @ Ricki (since granted the concession of bail vide order dated 04.07.2024 passed in CRM-M-28229-2024) were nominated in the present case. On the basis of the interrogation of Pawandeep Singh @ Pawan Garcha, Manvinder Singh @ Chamkaur and Ranjodh Singh @ Jyoti. It also came to light that Akashdeep Singh @ Akash had been confined in Faridkot Jail in FIR No.18 dated 02.09.2021 under Section 13, 16, 18, 18-B, 20 UAPA Act, 3,4,5 Explosives Act, 25, 27-A, 29/61/85 NDPS Act, 120-B IPC registered at P.S.



SSOC, Amritsar and Raghwinder Singh @ Ricky was confined in Faridkot Jail in case FIR No.91 dated 02.04.2011 under Section 302, 427, 149, 149 IPC registered at P.S. Payal, District Ludhiana. Accordingly their custody was obtained on production warrants and they were remanded.

During the course of interrogation of Pawandeep Singh @ Pawan Garcha one Kulwinder Singh @ Sonu and Talwinder Singh @ Nikku (present petitioner) were nominated in the present case.

On 28.03.2022 the petitioner was arrested and suffered his disclosure statement that he had brought 04 pistols of 32 bore along with 19 live 32 bore cartridges from co-accused Kulwinder Singh @ Sonu and the same were kept by him in his Swift car. Based on the said statement the weapons in question came to be recovered.

Thereafter Kulwinder Singh @ Sonu was arrested and 06 pistols 32 bore along with 13 live cartridges and 08 magazines were recovered from him. Thereafter one Buta Singh @ Bagga Khan was nominated as accused.

On 31.03.2022 Darshan Singh @ Darsa and Daler Singh Kotia were nominated on the basis of interrogation of the petitioner and co-accused Kulwinder Singh @ Sonu. Pawandeep Singh @ Pawan Garcha was confined in Nabha Jail and was arrested on after obtaining his production warrants.

Pursuant to the conclusion of the investigation, the report under Section 173(2) Cr.PC was presented against the petitioner, Manwinder Singh @ Chamkaur, Pawandeep Singh @ Pawan Garcha, Randhoddh Singh @ Joti, Kulwinder Singh @ Sonu, Darshan Singh @ Darsa, Akashdeep Singh @ Akash and Raghwinder Singh @ Ricki on 28.09.2022.

3. The Counsel for the petitioner contends that petitioner was nominated as an accused on the basis of a disclosure statement of his co-



accused which has no evidentiary value. The recovery of weapons have been foisted upon him. Be that as it may, the said recovery cannot be connected to the present offence. Though the petitioner is an accused in number of cases he stands acquitted in some of them and, therefore, as he was in custody since 28.03.2022 and only 02 of the 30 Pws had been examined, he was entitled to the grant of bail, moreso when his co-accused Raghwinder Singh @ Ricky had been granted bail vide order dated 04.07.2024.

4. The Counsel for the State on the other hand contends that the petitioner is part of a gang as has been found during the course of investigation. As many as 04 pistols of 32 bore along with live cartridges have been recovered from him. He was a convict in one case and facing trial in 05 other cases. Therefore, the nature of the allegations levelled against the petitioner and his criminal antecedents did not entitle him to the grant of bail.

5. I have heard the counsel for the parties.

6. A perusal of the record would reveal that the petitioner is a part of big gang which is involved in the commission of a number of heinous offences. Multiple weapons have been recovered from the petitioner and his co-accused. The petitioner was an accused in as many as 10 other cases. He has been convicted in one case and acquitted in 04 cases. However, the Trial is pending in 05 other cases. The said cases including those under the NDPS Act, Arms Act and for the offence of dacoity. Therefore, apparently, the criminal antecedents of the petitioner also do not entitle him to the grant of bail as he was likely to abscond from justice or influence witnesses if he was granted the concession of bail. Further merely because the co-accused Raghwinder Singh @ Ricky was granted the concession of bail subsequent to the dismissal of the bail application of the petitioner would not entitle



the petitioner to the similar relief particularly when the order in the case of Raghwinder Singh @ Ricky does not refer to the fact that the bail applications of the petitioner who is the co-accused had been dismissed vide order dated 13.04.2023 (P-3) and withdrawn vide order dated 24.05.2024 (P-4). Even otherwise from the petitioner, the recovery of 04 pistols of .32 bore along with 19 live cartridges was effected whereas from the co-accused Raghwinder Singh @ Ricky on whose bail order the petitioner is placing reliance the recovery of only 01 magazine and 06 live cartridges was effected.

7. In view of the above, I find no merit in the present petition and the same is hereby dismissed.

8. However, keeping in view the attending facts and circumstances of the case, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

October 24, 2024
Vinay

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