



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

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CRM-M-64483-2023 (O&M)**Date of decision: 08.05.2024**

Kulwinder Singh @ Kinda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Samina Dhir, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-53974-2023**

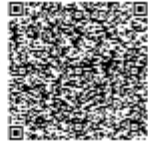
Allowed as prayed for.

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1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0061 dated 04.06.2020 under Sections 395, 201 of the IPC and Sections 25, 54, 59 of the Arms Act registered at Police Station Sadar Faridkot, District Faridkot.

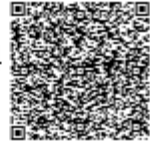
2. Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in the instant case; he was neither named in the FIR nor was he apprehended at the spot, however, he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Gurwinder Singh wherein he stated that the petitioner was one of the armed assailants

who accompanied the co-accused to the place of occurrence i.e. the

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bank where they then carried out the crime in question. Learned counsel has submitted that the disclosure statements on the basis of which the petitioner has been nominated as an accused has very poor evidentiary value and it lends credence to his false implication in the present case. Learned counsel has further submitted that the petitioner has now been in custody since 29.10.2022 and there is no likelihood of the trial concluding in the near future as 32 prosecution witnesses still remained to be examined; all the material witnesses stand examined, hence, there can be no apprehension of the petitioner intimidating or influencing the witnesses during the course of trial. Learned counsel has further submitted that there was no recovery of any weapon of offence effected from the petitioner which further falsified the case of the prosecution against him.

3. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jagtar Singh, has submitted that the petitioner is a man of criminal antecedents; though he does stand acquitted in 05 of the criminal cases which were registered against him, however, the factum of he being involved in the present case after he was released on bail in the other FIRs which stood registered against him, would not entitle him to the concession of bail as it is evident that he had misused the said concession. Learned State counsel has submitted that it is a matter of record that the petitioner was declared a proclaimed offender and it was during that period when he absconded he was involved in

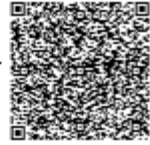
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some other criminal cases also. Learned State counsel has submitted that the FIR in question was registered against unknown persons as all the assailants who came to the place of occurrence i.e. bank, were in muffled faces and hence, it was but natural for the complainant to be unaware about the name and other details of the assailants. He has submitted that it was during the course of investigation in another FIR that the involvement of the petitioner in the present criminal case came to light. Learned State counsel has further informed the Court on instructions that no doubt Varinder Kaur and the complainant i.e. Bank Manager stand examined, however, he has controverted the submissions made by the counsel opposite that all the material witnesses have been examined. He submits that some material witnesses like injured Vir Singh as well as one Dharminder Singh who were locked inside the Strong room of the bank were yet to be examined and seeing to the criminal antecedents of the petitioner, in case he is enlarged on bail, there is every likelihood that he would intimidate/influence the witnesses.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. It would be relevant to reproduce the relevant extract of the FIR (Annexure P-1), which is reproduced hereinbelow:-

“Statement of Nipar Mittal, Branch Manager, Indusind Bank, Village Tehna S/O Sh. Kewal Krishan Mittal r/o H. NO. 22 Bedi Green Avenue Sodewala Road, Ferozepur City Mob: 97802-70270. Stated that I am a resident of aforementioned address and posted as Manager in Indusind Bank at Village Tehna. Today I along with



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Varinder Kaur Cashier, Dharminder Singh Branch employee and Vir Singh, peon, was present in the Bank and was transacting the bank business since morning. At about 1.10 PM, four assailants entered the bank, out of which, three were muffled faces and one did not wear any mask, who seemed to be aged about 30-32 years and one person was sitting on the driver seat of a Honda Car parked in front of gate of the bank. Two persons inside the bank were armed with pistol and one was armed with big gun and one was armed with sword. They immediately attacked with sword at the bank of the bank's peon and then he attacked me twice on my left shoulder. Then they locked bank peon Vir Singh in the bathroom and pointed their pistols on the ears of mine, Varinder Kaur and Dharminder Singh and told us that whatever business is conducted in the bank should be given to them. Then they locked me and Dharminder Singh in the bathroom and one person took Cashier Varinder Kaur to the cash counter, where bank's Rs. 2,33,050 was lying & Rs. 1,10,000 lying in safe. They robbed total Rs. 3,43,050/ on the basis of weapons and while going, they took my mobile MIA-2, in which my numbers 94635- 49050 & 97802-70270 were working and Vir Singh's mobile Samsung J- 6, in which mobile No. 75268-21674 was working and Varinder Kaur's mobile Samsung A-10, in which 62802-39576 & 82649-14058 were working. They also robbed one gold chain of 1 tola and one gold ring. All of those five persons, after looting the cash, gold and mobiles, went towards Village Chahal in their car. Then we gave information to police and you came on spot and got recorded my statement. The same is heard and admitted to be correct. Action be taken. Sd/- Nipar Mittal”

6. Prima facie there are very serious allegations against the petitioner who along with his accomplices entered the bank with muffled faces, armed with firearms and swords; thereafter they not only inflicted injuries on some of the bank employees but also locked the complainant and the peon inside the strong room of the bank before decamping with money and gold ornaments as well as looting five customers who happened to be present inside the bank. In the facts and



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circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is hereby dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.05.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No