



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224 (PROCEEDINGS THROUGH HYBRID MODE)

CRM-M-62279-2024
Date of decision: December 17th, 2024

Gurpreet Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Thakur, Advocate
for the petitioner (through V.C.).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.208 dated 04.08.2022 under Sections 392, 506, 34, 411, 120-B of the IPC and Section 25 of the Arms Act registered at Police Station Division No.8, District Jalandhar Commissionerate.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that the complainant as well as the lady, whose gold ornaments and cash were robbed by the petitioner, did not identify him during trial. Learned counsel has further submitted that even no test identification parade was carried out after the petitioner was arrested, which further creates a serious dent in the case of the prosecution. Learned counsel has in the aforementioned facts and circumstances urged that the petitioner deserves to be enlarged on bail, more so when all the material witnesses

stand examined and had not identified the petitioner as being one of the alleged robbers.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed that all the material witnesses stand examined and had not identified the petitioner as being one of the persons, who had robbed one of the customers in the bank of her gold ornaments and cash amount. However, learned State counsel, on instructions from S.I. Jagdish Singh, submits that the recovery of the robbed gold ornaments along with cash amount was affected from the petitioner, which clearly indicated his involvement in the crime in question.

4. However, on a pointed query, learned State counsel has not disputed that the petitioner has now been in custody since 14.10.2022 and eight prosecution witnesses have been examined while one has been given up, with 13 still remaining to be examined.

5. Learned counsel for the petitioner, while controverting the submissions made by the learned State counsel, has submitted that even assuming for the sake of arguments though not conceded, that the recovery of the alleged stolen articles had been made from him, at best the petitioner could be held liable for an offence under Section 411 of the IPC i.e. being a recipient of the stolen property.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. It would be pertinent to reproduce the FIR in question, which has been annexed as Annexure P-1, which is as under:

*“Statement Prem Kumar son of Nazar Ram
resident of Village Sanjha, P.S Lambra, Jalandhar aged
54 years. Mobile 9814243917. State that I am the*

resident above stated address and is working as Cashier at UCO at Industrial Area, Jalandhar. Today at about 3:05 PM 1, was present at UCO Bank then three unknown persons entered inside the bank, who were wearing mask on their face and two person were having pistol in there hand. Then one unknown person who was armed with pistol, gave blow with the handle of the pistol and broke the mirror of my cabin and asked me to hand over cash. Then the other unknown person, on the point of pistol gathered entire staff, at one side and said if any one raised noise then I, will kill. The third unknown person stood on the main gate, who didn't permit to either come out or enter from the gate and unknown person entered in my cabin and took cash Lakh of Rupees from my drawer and trunk, total cash can only be acknowledge after checking the same. The unknown persons while leaving the bank, under threat snatched gold chain and two gold bangles and two gold rings from the official companion namely Parminder Kaur. The unknown persons while the bank premises also shut the shutter of the bank premises and ran from then spot. Three unknown persons entered in the bank and has committed dacoity on the gun point. Kindly take legal action against the persons. Statement is read over and same is correct. Sd/- Prem Kumar. Identified by INSP. SHO Police station Division No. 8, Commissionerate Jalandhar.dated 04.08.2022.”

8. The petitioner has been in custody since 14.10.2022 and as not disputed by the learned State counsel, on instructions, all the material witnesses have not only been examined and have also not identified the petitioner as being the person, who had allegedly robbed PW Parminder Kaur of gold ornaments and cash etc. The trial is unlikely to conclude in the near future as 13 prosecution witnesses still remain to be examined.

9. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail on his

furnishing bail/surety bonds to the satisfaction of the trial Court/ Duty Magistrate concerned. 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.

10. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 17th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No