

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55437-2024
Reserved on: 07.01.2025
Pronounced on: 23.01.2025

Pardeep Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Dolli Sharma, Advocate and
Mr. Sahil Gupta, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
91	29.07.2021	Sultanwind, District Amritsar	379-B(2) IPC and 25, 27, 54, 59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 12 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	25/2023	-	452, 336, 506, 148, 149 IPC	Sultanwind
2.	062/2023	-	379(b), 34, 201 IPC	Gate Hakima
3.	83/2023	-	379(b), 34, 411, 201, 341, 506, 120-B IPC, 25, 27, 54, 59 of Arms Act	‘C’ Division
4.	80/2024	-	25(7), 54, 59 of Arms Act	Gate Hakima

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That it is submitted that as per the report furnished by SHO, Police Station Sultanwind, Amritsar, on 29.7.2021, statement of the Complainant Jatinder Singh was recorded by ASI Kishan Singh, P.P.KotMit Singh, P.S. Sultanwind, Amritsar wherein it was alleged that on 29.7.2021, as per his daily routine, he (complainant) while

keeping the entire sale of his shop i.e. about Rs. 4.50 lakhs in one cloth bag by keeping the same in the boot of his Aactiva reached outside his house at street no. 4, Dashmesh Nagar, Four youngsters approached him from behind on an Aactiva and a motorcycle. Two of them appeared to be wrestlers with Sikh turbans while the other two had normal haircuts. They snatched Rs. 4.50 lakhs from the boot of his Aactiva bearing No. PB02-DD-7160 by threatening the complainant at pistol point and fled away from the spot upon seeing the public gathering there. Therefore, based on the aforesaid statement, the present case FIR No. 91 dated 29.07.2021, under Section 379B IPC, Police Station Sultanwind, Amritsar was registered by ASI Kishan Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Counsel for the petitioner submits that initially the number of Aactiva scooty was not mentioned and later on it was mentioned which would create doubt. Subsequently, no recovery was made from the petitioner, as such there is no evidence against the petitioner. FIR was registered against unknown persons. Petitioner is in custody since 09.05.2024. Regarding criminal antecedents, he is on bail in all such cases.

6. The State’s counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF THE PETITIONER

16. That it is submitted that based on the investigation carried out in the present case FIR No. 91 dated 29.7.2021, it has come forth that at the time of commission of crime, the present petitioner Pardeep Kumar was armed with a pistol and he along with co-accused persons had snatched cash amount Rs. 4.50 lakhs from the complainant Jatinderpal Singh on pistol point.

INCRIMINATING EVIDENCE AGAINST THE PETITIONER

17. That it is submitted that the prosecution case against the petitioner is primarily based on disclosure statements suffered by the co-accused persons namely Rajesh Kumar @ Mogli, Gautam @ Gotu and Sandeep Kumar made before the investigating officer with respect to involvement of the present petitioner Pardeep Kumar in commission of crime beside the identification made of the petitioner Pardeep Kumar by the complainant Jatinderpal Singh being the accused person who had snatched cash amount from him on pistol point. Furthermore, the weapon of offence i.e. pistol was recovered from the petitioner Pardeep Kumar in case FIR No. 80 dated 5.5.2024 under Section 25 (8) Arms Act, PS Gate Hakima, Amritsar.”

8. An analysis of the above arguments would lead to the following outcome. Petitioner was having a pistol and has criminal antecedents which would not entitle him to bail.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of around 08 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

11. Regarding the delay in the trial, if the trial does not conclude within one year of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

23.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.