
(2021) 02 P&H CK 0151

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous Petition (M) No. 383 Of 2021

Kuldeep Singh @
Mantri

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision: Feb. 16, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 212, 216, 379, 379B, 399, 402, 411
- Arms Act, 1959 - Section 25, 54, 59
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Gurvinder Singh Gill, J

Bench: Single Bench

Advocate: Naveen Sharma, Sarabjit Singh Cheema

Judgement

Gurvinder Singh Gill J

Petitioner requests for grant of anticipatory bail in a case registered against him vide FIR No.201 dated 13.10.2020, under Sections 399, 402, 379-B,

212, 216 and 411 IPC and Section 25/54/59 of Arms Act, 1959, registered at Police Station Nathana, District Bathinda.

The FIR was registered pursuant to receipt of secret information to the effect that Gursharan Singh @ Jauli, Gobind Singh, Lovepreet Singh @ Lavi,

Jasvir Singh @ Jassu, Lakhvir Singh @ Happy, Sikander Singh, Gobind Singh @ Kalu, Kuldeep Singh @ Mantri, Surinder Singh @ Happy and

Lachman Singh @ Babbu were possessing dangerous weapons and had formed a gang for the purpose of committing dacoity and at that moment had

gathered near a vacant brick kiln while planning to commit dacoity in the house of some rich persons. Pursuant to receipt of said information a raid

was conducted at the nominated place and four persons, namely, Gobind Singh @ Kalu, Lovepreet Singh @ Lavi, Jasvir Singh @ Jassu and

Lachhman Singh @ Babbu were nabbed at the spot. Subsequently, on 18.10.2020 accused Deepu Giani, Lovely @ Roghar, Sukhchain Singh @

Chaina, Bahal Singh @ Bahala, Jagjeet Singh @ Balle Balle were nominated as accused vide DDR No.25 dated 18.10.2020 on the basis of statement

of Chamkaur Singh and the offence under Sections 379 and 411 IPC were added. On the same day i.e. 18.10.2020, during investigation, accused

Gobind Singh @ Kalu, Lovepreet Singh @ Lavi and Lachhman Singh @ Babbu got recovered two motor-cycles without having numbers, one air

pistol, one kapa, one hockey, stolen currency notes of Rs.25,000/- and three mobile phones. Accused Jagjeet Singh @ Balle Balle and Lovepreet

Singh @ Happy were also arrested on 18.10.2020 and they got recovered one pistol .315 bore alongwith two live cartridges, iron kuhari, stolen

currency of Rs.25,000/-, five mobile phones of different marka and four motor-cycles of different marka. Thereafter, on 11.11.2020 accused Jaskaran

Singh @ Lovely @ Roghar was arrested and he got recovered one motor-cycle marka Bajaj without having any number on the same. As per

prosecution accused Kuldeep Singh @ Moni used to provide the meal and accommodation etc. to the abovesaid accused persons after committing the

lootings/snatchings and as such offence under Sections 212/216 IPC were added. During investigation accused Lovepreet Singh @ Lavi disclosed that

he alongwith Lovely, Boggi, Happy, Govind, Jagjeet Singh, Gursharan Singh @ Jalli, Kuldeep Singh @ Mantri (petitioner herein), Deepu Giani, Happy,

Bahala and Sukhchain snatched the bag and then assembled in the cremation ground where they distributed the snatched amount amongst them. It is

accused Jasvir Singh, who named the accused Kuldeep Singh @ Mantri (petitioner herein) during investigation that he had accompanied him and other

persons for snatching the money and motor-cycles from the passer-byes.

Learned counsel for the petitioner has submitted that he was never ever arrested at the spot and has been falsely nominated as an accused in the FIR

and also in disclosure statement allegedly made by co-accused Lovepreet Singh. Learned counsel has further submitted that another co-accused

Bahal Singh has already been granted anticipatory bail.

Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any benefit on account of the fact that co-accused Bahal

Singh has been granted anticipatory bail as the said Bahal Singh was not named in the FIR whereas the name of the present petitioner figures in the

FIR. Learned State counsel has however informed that the petitioner is not involved in any other case.

Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner is stated to have clean record, the petition is

accepted and the petitioner, in the event of arrest, is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the

satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with

the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.