

Rajat Gangotra Versus State of Punjab

**In the Court of Sh. Lalit Kumar Singla,
Additional Sessions Judge, Jalandhar. (UID No. PB0104).**

CIS Number	BA/3912/2023
CNR number	PBJL01-010132-2023
Date of Institution	04.08.2023
Date of Order	10.08.2023

Rajat Gangotra aged about 25 years son of Parshotam Kumar, resident of Street No.06, Shaheed Babu Labh Singh Nagar, Jalandhar.

..... Applicant/accused

Versus

State of Punjab

...Respondent.

FIR No. 127 dated 01.07.2020
Under Section 61/1/14 Excise Act &
Section 21/22 NDPS Act &
Section 379-B/382/482/465/467/468/471/120-B/216 read with
Section 25 Arms Act.
Police Station Bhargo Camp, Jalandhar.

First bail application under Section 439 Cr.P.C.

Present: Sh.Jagat Maini, Advocate for applicant-accused.
Sh. APS Dhillon, Addl. PP for the State.

ORDER:

This order of mine shall dispose of an application seeking bail under Section 439 Cr.P.C. moved by applicant/accused Rajat Gangotra, in the above noted case.

2. Notice of the bail application was given to State of Punjab, upon which learned Additional Public Prosecutor for State has opposed bail application. Record perused.

3. Concisely stated, on 22.08.2020 SI Sandeep Kaur along with police officials was present at Mata Rani Chowk, P.S. Bhargo

Camp, Jalandhar, where a secret information was received to the effect that accused Aman, Karanpreet @ Giani @ Sonu, Teenu, Sagar Kataria, Akashdeep Singh, Zinda, Sachin, Prince @ Bawa, Rajat Gangotra, Nitin Arora @ Dolu, Arshdeep, Shivam, Kaka, Gopi, Sahil, Nandan, Gagan, Munshi and Dalbir Singh are engaged in the business of selling intoxicants and arms and to sell stolen vehicles by preparing their fake RCs. They also used to harbour Proclaimed Offenders. Relying upon the said information, a ruqa was sent to the police station for recording FIR;

During the course of investigation of FIR No.130 dated 05.07.2020 under Section 307/148/149/120-B IPC read with Section 25 of Arms Act, accused Rajat Gangotra was arrested on 05.07.2020, who suffered a disclosure statement regarding causing injuries to Sonu at Shiv Nagar, Jalandhar along with Akashdeep, Nitin Arora @ Dollu, Arshpreet Singh, Lucky, Prince @ Baba and some unidentified persons; he had threatened Honey on mobile phone in the year 2017. Consequently, Honey had committed suicide by consuming tablets of Sulphons; in July 2019, he, Akashdeep, Prince @ Baba along with unidentified persons had made firing in the area of Verka Milk Plant. These occurrences were committed at the instance of Dalbir Singh @ Beera, Prince @ Baba, Gurpreet Singh @ Gopi; on 04.07.2020, time was around 12:45 A.M, he along with Akashdeep, Nitin Arora @ Dollu had gone to Khurla Khingra to fetch motorcycle of Mandeep Singh, who refused to give motorcycle and when they reached near

Lovely Timber, Nakodar Road, Jalandhar, Nitin Arora @ Dollu felt annoyed qua motorcycle and thereafter, Akash at his instance fired upon Nitin with his pistol in his left flank; the names of other assailants namely Karanpreet @ Giani, Sagar Kataria, Gurwinder Singh Malli, Shivam, Kaka, Prince @ Baba, Arshdeep, Aman, Shivam, Kaka, Gopi, Sahil, Nandan, Gagan, Munshi are known to Dalbir Singh and they committed crimes at the instance of Dalbir Singh and Prince @ Baba. However, Sachin is not the member of their gang;

Accused Dalbir Singh @ Beera, who was lodged in Central Jail, Amritsar in FIR No.232/19 under Section 307 IPC etc., read with Section 25 of Arms Act, P.S. Islamabad, Amritsar was arrested on 08.07.2020 and accused Akashdeep was arrested in FIR No.130 dated 05.07.2020, under Section 307 IPC etc., read with Section 25 of Arms Act, P.S. Bhargo Camp, Jalandhar;

During the course of investigation, accused Sagar Kataria, Munish Kumar @ Munshi, Aman, Hiraj Kumar @ Teenu, Karanpreet @ Giani, Shivam Sodhi suffered disclosure statements regarding commission of various crimes.

4. Learned counsel for the applicant/accused has vehemently contended that the applicant/accused has been falsely implicated in the alleged crime on the basis of his disclosure statement. He has nothing to do with the alleged crime since he was lodged in jail. So applicant-accused, who is lingering in custody since 05.07.2020, may be

released on bail, pending trial.

5. On the contrary, learned Addl. PP for the State prayed for the dismissal of bail application, keeping in view the gravity of crime.

6. Having considered the arguments of both sides in the light of record available on file, I have found that instant case was registered on the basis of secret information regarding involvement of accused Dalbir Singh and his accomplices in selling intoxicants and arms and sale of stolen vehicles by preparing their fake R.Cs. Ultimately, accused Dalbir Singh was nominated in the alleged crime on the basis of disclosure statement of applicant-accused Rajat Gangotra to the effect that they used to commit crimes at the instance of Dalbir Singh lodged in jail.

7. The veracity of disclosure statement of accused Rajat Gangotra, Sagar Kataria @ Sagar, Munish Kumar @ Munshi, Aman, Heeraj Kumar @ Teenu, Karanpreet Singh @ Giani, Shivam Sodhi during police custody is yet to be proved on record. The said disclosure statements cannot be taken to prove the guilt of accused regarding commission of alleged crime as per Section 27 of Indian Evidence Act. The disclosure statement is relevant qua recovery made in pursuance of disclosure statement and no recovery has been effected in this case from applicant-accused in pursuance of disclosure statements. Implication of accused in alleged crime is yet to be determined on record.

8. Applicant-accused is lingering in custody since

05.07.2020. It will take time in conclusion of trial. No useful purpose will be served by detaining the applicant-accused behind the bars indefinitely.

9. So without commenting upon the merits of the case, applicant-accused is ordered to be released on bail on his furnishing of bail bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of learned Trial Court/Duty Magistrate, subject to the conditions that he shall appear on each and every date of hearing; he shall not leave the country without prior permission of the Court and he shall not induce the prosecution witnesses; he shall surrender his passport in the Court. If he does not possess any passport, then an affidavit in this respect be also furnished by applicant/ accused.

10. The bail application stand allowed accordingly. File be consigned to the Record Room.

Pronounced
Dated:10.08.2023
Vivek*

(Lalit Kumar Singla)
Additional Sessions Judge, Jalandhar
UID No. PB00104.