

GAHC010070202020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln. 942/2020

1:GURMEET SINGH
S/O SRI LAKVIR SINGH, R/O WARD NO. 6 BEGENAKHOWA, GOLAGHAT, PS.
GOLAGHAT, DIST. GOLAGHAT, ASSAM

VERSUS

1:THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Counsel for the applicant : Mr. M.G. Singh

Counsel for the respondent : Mr. N.J. Dutta,
Additional Public Prosecutor, Assam

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA

30-04-2020

1. Sri Gurmeet Singh has filed this application for bail under Section 439 of the Code of Criminal Procedure, 1973 in Mariani P.S. Case No.81/20 (GR Case No.229/2020) registered under Sections 397 of the Indian Penal Code read with Section 25(1-A)/27 Arms Act.
2. The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.
3. I have heard Mr. M.G. Singh, learned counsel for the applicant and Mr. NJ Dutta, learned Additional Public Prosecutor, Assam for the respondent.

3. Gist of the accusation in the FIR is that on 3rd March, 2020, at about 8.30 P.M., in front of Fire Brigade Centre under Ward No.2, Nizarapar, five persons wearing army uniform came across the house and shop of the complainant. The goods lying there were broken. At pistol point the victim was looted. Cash was taken away. While they were escaping, an alarm was raised whereupon neighbour followed the dacoits. One of the house-servant of the complainant namely Shri Sanjay Roy was injured with a fire arm and was referred to JMCH. With the support of local villagers and police, three dacoits were apprehended. From one of the bags, Rs.2,70,000/- was recovered, which has been looted by the dacoits.
4. Learned counsel for the prosecution has informed the Court that during investigation Rs.2,51,900/- was recovered from co-accused/non-applicant Sri Lavjit Singh, Rs.56,230/- was recovered from the possession of Sri Jogtar Singh and Rs.4,860/- from Shemsher Singh.
5. Learned for the prosecution has further stated that in the course of investigation, it has become evident that the applicant is the kingpin. It has further been argued that the fact that from co-accused of the applicant, the cash looted has been recovered indicates that the accused are connected with the crime/incident.
6. Learned counsel for the applicant has vehemently argued that the applicant is a Sevak in a Gurudwara. The three co-accused who came from Panjab were staying in the Gurudwara. They were go to back, whereupon the applicant offered them to drive them to the railway station which is at a distance of 45 Kms. The applicant indeed drove them to the railway station. The applicant is not in know of any further details in regard to the incident.
7. I have considered the rival contentions.
8. The offence allegedly committed is of serious nature, viz. dacoity. One person received fire arm injury. In such circumstance, I find no reason to grant bail in favour of the applicant.
9. Dismissed.
10. In case the charge sheet is not filed within the statutory period, surely the applicant would be entitled to his right to file application for bail before the court concerned.

11. Let a copy of this order be provided under the signature of the Court Master.

CHIEF JUSTICE

Comparing Assistant