

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.**

**CRM-M-15334 of 2015.**

**Date of Decision: May 15, 2015.**

Mohd. Arshad alias Sami

....Petitioner.

VERSUS

State of Punjab

....Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Saquib Ali Khan, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab  
assisted with Head Constable Harmej Singh.

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**SNEH PRASHAR, J.**

This petition under Section 439 of the Code of Criminal Procedure (in short, "Cr.P.C.") was filed by petitioner for grant of bail pending trial in case First Information Report No.32 dated 25.03.2014 under Sections 392, 394, 397 and 324 read with Section 34 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station City I, Malerkotla.

The accusation against the petitioner was that on 25.03.2014 at 3:30 a.m. he alongwith his co-accomplices looted complainant Abdul

Hamid and his sister Hamida Bano. The complainant on demand gave an amount of Rs.1500/- out of his pocket. An injury with a '**Dah**' (iron rod) was caused on the face of Hamida Bano and her gold ear rings and gold '**Kara**' were snatched.

Heard the submissions made by Mr. Saquib Ali Khan, learned counsel representing the petitioner and Mr. Ashish Sanghi, Deputy Advocate General, representing the State of Punjab.

It was submitted on behalf of the petitioner that he is innocent and had been falsely implicated after he was arrested in another criminal case registered under Narcotic Drugs and Psychotropic Substances Act. Learned counsel submitted that neither the petitioner was named in the First Information Report nor anything was stated by the complainant from which identity of the robbers could be established. The police did not conduct an identification parade after the arrest of the petitioner. Submitting that the trial of the case is still likely to take some time, learned counsel sought release of the petitioner on bail.

The application was opposed by learned Deputy Advocate General, representing the State of Punjab. He filed custody certificate of the petitioner wherein it is mentioned that in addition to the present case there are two other cases bearing First Information Report No.31 dated 25.03.2014 under Sections 392, 394, 324 and 201 read with Section 34 I.P.C. registered at Police Station City-1, Malerkotla and First Information Report No.34 dated 12.04.2014 under Section 15 N.D.P.S. Act and sections 379 and 411 I.P.C. registered at Police Station Sangrur, pending against the

petitioner. There was yet another criminal case registered against him which has since been decided.

The petitioner may not have been named in the First Information Report but as submitted by learned Deputy Advocate General during arguments the weapon used by him during commission of crime was recovered from his possession. Material witnesses are yet to be examined and there is every likelihood that if enlarged on bail the petitioner may try to pressurize the witnesses/tamper with the evidence of the prosecution.

Thus, in view of the facts and circumstances and without going to the merits of the case, the petition is dismissed.

**(SNEH PRASHAR)**  
**JUDGE**

**May 15, 2015**  
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