

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

1. CRM-M-26156-2015 (O&M)
Date of Decision: August 24, 2015

Sukhdev Singh @ Sukha

.....Petitioner

Versus

State of Haryana

.....Respondent

2. CRM-M-26634-2015 (O&M)

Shokat Ali

.....Petitioner

Versus

State of Haryana

.....Respondent

3. CRM-M-27387-2015 (O&M)

Surender Sandhu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.R.S.Mamli, Advocate
for the petitioner in CRM-M-26634-2015.

Mr.Sapan Dhir, Advocate
for the petitioners in CRM-M-26156 and 27387-2015.

Mr.Kuldeep Tiwari, Addl.A.G.Haryana.

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- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

NARESH KUMAR SANGHI, J.(ORAL)

The present order shall dispose of all the above stated three anticipatory bail petitions bearing CRM-M-26156-2015 (Sukhdev Singh @ Sukha vs State of Haryana); CRM-M-26634-2015 (Shokat Ali vs State of Haryana); and CRM-M-27387-2015 (Surender Sandhu vs State of Haryana) in a case arising out of FIR No.98, dated 23.06.2015, for the offences punishable under Sections 120-B, 323, 342, 356, 386 and 506, IPC, registered at Police Station, Chhachhrauli, District Yamuna Nagar.

Mr.R.S.Mamli and Mr.Sapan Dhir, learned counsel for the petitioners submit that the petitioners have been implicated in a false and frivolous case; Srishty Pooja @ Pooja Sharma, the co-accused of the petitioners, had presented a complaint before the Station House Officer, Police Station, Chhachhrauli on 22.06.2015 stating that rape was committed upon her by Piyush Garg, but the police did not take any action; thereafter she sent her complaint to various quarters through registered post and that despite repeated requests, Srishty Pooja @ Pooja Sharma was not got medically examined from the Medical Officer. It was also pointed out that just to cover up the case of rape committed on Shrishty Pooja @ Pooja Sharma, the petitioners are being implicated in the present case. Mr.Mamli further submits that

petitioner Shokat Ali was not present at the spot since he had joined the investigation on 22.06.2015 at 2.00 p.m. with Economic Wing Cell at Panchkula. To buttress his submission, Mr.Mamli has referred to the photographs Annexure P5 at page 19 and the affidavits, Annexures P2 to P4 of his petition (CRM-M-26634-2015). Mr.Mamli further submits that several applications were presented before the higher officials alleging that petitioner -Shokat Ali has been falsely implicated in the present case.

On the other hand learned counsel for the State, on instructions from ASI Balraj Singh, Police Station Chhachhrauli, submits that as per prosecution version the informant/complainant Piyush Garg was called by Srishty Pooja @ Pooja Sharma to the bus stop at Chhachhrauli on the plea that she was not feeling well and she be taken to some hospital for medical help. Thereafter she took Piyush Garg to a room at village Kot, Tehsil Chhachhrauli, District Yamuna Nagar. After five minutes of their arrival at the said room, the petitioners along with more accused reached in the room and seeing them Srishty Pooja @ Pooja Sharma left the room and thereafter the petitioners as well as their co-accused not only snatched the ATM cards (four in number) but also a chain of gold and ₹5,000/- (Rupees five thousand only) cash from the informant/complainant and

thereafter ₹17,000/- (Rupees seventeen thousand only) were withdrawn from different bank accounts of the informant/complainant through ATM; the co-accused of the petitioners, namely, Shrafat, Inderjit, Amanpreet and Srishty Pooja @ Pooja Sharma have been arrested; three ATM cards have been recovered from them; the phone call details collected during investigation would show that the version put up by the informant/complainant, Piyush Garg, is correct and the bank account details collected during investigation would further strengthen the version of the informant/complainant that ₹17,000/- (Rupees seventeen thousand only) were withdrawn from his bank accounts through ATM cards carried away by the petitioners and their co-accused; after thorough investigation, the charge-sheet has been presented against the co-accused of the petitioners, who were arrested by the Investigating Agency and that the custodial interrogation of the petitioners would facilitate the Investigating Agency to investigate the case properly and effect the due recoveries of the ATM cards and the cash amount taken from the informant/complainant and withdrawn from the accounts through ATM cards.

I have heard the learned counsel for the parties and with their able assistance gone through the police file brought by

ASI Balraj Singh, Police Station Chhachhrauli.

As per prosecution version, the petitioners were the members of a gang, which was trapping the innocent persons under the attraction of young girls and thereafter taking the money and their articles from the victims. The mobile call details, the bank account statements of the victim and the material collected during investigation by the police in the shape of statements recorded under Section 161, Cr.P.C., would prima facie show the involvement of the petitioners in the alleged offences. In the considered opinion of this Court, their custodial interrogation appears to be necessary. The defence set up by the petitioners in their respective petitions would be considered by the Investigating Agency before filing of the report under Section 173, Cr.P.C. or by learned trial Court during trial after scanning the whole material.

No ground for grant of anticipatory bail to any one of the petitioners is made out.

Dismissed.

August 24, 2015
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(NARESH KUMAR SANGHI)
JUDGE