

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49779-2017

Date of decision: 22.03.2018

Harinder Singh @ Happy**...Petitioner(s)**

V/s.

State of Punjab**...Respondent(s)****CORAM: HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. Kulwant Singh Dhanora, Advocate for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

B.S. WALIA, J. (Oral)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.46 dated 09.03.2017 under Sections 379-B(1) of the Indian Penal Code, (for short, 'the IPC') registered at Police Station Phillaur, District Jalandhar.

2. Reply by way of short affidavit of Amrik Singh, PPS, Deputy Superintendent of Police, Phillaur (District Jalandhar) on behalf of respondent Nos. 1 to 5 has been filed in Court and the same is taken on record.

3. Learned counsel for the petitioner states that the petitioner has been falsely implicated in FIR No. 46 dated 09.03.2017 under Sections 379-B(1) of the IPC registered at Police Station Phillaur, District Jalandhar and that he is in custody since the past one year and that no useful purpose would be served by keeping the petitioner behind bars as the trial is likely to take time.

4. *Per contra*, learned Senior Deputy Advocate General, Punjab, on instructions from ASI Paramjit Singh, states that the petitioner was driving the motor cycle on which other two co-accused were riding and that they snatched a purse containing Rs.2,500/-, Adhaar card, voter card and other documents as also mobile phone make Samsung bearing IMEI no. 354912084359676, with sim number 98157-16807 of Amarjit Singh by keeping a sharp edged dattar on his neck on 17.02.2017 about 12:30 p.m. Learned Senior Deputy Advocate General further states that mobile phone make Samsung bearing IMEI no. 354912084359676 snatched by the accused from the possession of the complainant was recovered by the police from co-accused of the petitioner i.e. Onkar Singh @ Sonu on 24.03.2017.

5. Learned Senior Deputy Advocate General further states that there were eleven prosecution witnesses out of whom one has been examined, while three have been given up and seven remain to be examined. Apart from the involvement of the petitioner in the above mentioned FIR, petitioner is also named as accused in three other FIRs i.e. FIR No. 26 dated 09.03.2017, under Sections 379-B, IPC, Police Station Goraya, District Jalandhar, FIR No. 28 dated 10.03.2017, under Sections 379-B, IPC, Police Station Goraya, District Jalandhar and FIR No. 31 dated 12.03.2017, under Sections 399, 402 of IPC and 25, 54, 59 of the Arms Act, 1959 Police Station Goraya, District Jalandhar. Besides the allegations against the petitioner are serious in nature and the offence is punishable with imprisonment of minimum 10 years.

6. I have considered the submissions made by learned counsel for the parties. The learned Session Judge, Special Court, Jalandhar, after taking into account the aforesaid aspect of the case dismissed the application for bail. Allegations against the petitioner are serious. One of the items, namely, mobile phone snatched by the co-accused while committing the crime has been recovered, besides there is a spurt in such like incidents.

7. In the circumstances, no case is made out for grant of bail, at this stage.

8. Dismissed.

(B.S. WALIA)
JUDGE

March 22, 2018

Divyanshi

Whether speaking/reasoned : **Yes/No**

Whether reportable : **Yes/No**