

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

CWP No. 29097 of 2017 (O&M)

Date of decision: 6.4.2018

Anil

.. Petitioner

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S. Walia**

Present: Mr. Arjun Sheoran, Advocate, for the petitioner.

Rajesh Bindal, J.

Present petition has been filed by a convict, who is undergoing imprisonment on conviction by the learned Sessions Judge, Rohtak, under Section 379-B IPC read with Section 34 IPC, in FIR No. 754 dated 23.12.2015, registered at Police Station, Sadar Rohtak, challenging vires of Sections 379-A and 379-B of the Indian Penal Code.

The aforesaid provisions have been inserted by the Indian Penal Code (Haryana Amendment) Act, 2014. This amendment provides for offence of snatching or snatching with hurt, wrongful restraint or fear of hurt with punishment of not less than five years but upto ten years have been provided for offence under Section 379-A IPC, whereas under Section 379-B of the Act minimum of ten years and maximum of 14 years imprisonment has been provided therefor. The relevant provisions of Sections 379-A and 379-B IPC are extracted below:-

“379-A. Snatching. - (1) Whoever, with the intention to commit theft, suddenly or quickly or forcibly

seizes or secures or grabs or takes away from any person or from his possession any moveable property, and makes or attempts to make escape with such property, is said to commit snatching.

(2) Whoever, commits snatching, shall be punished with rigorous imprisonment for a term, which shall not be less than five years but which may extend to ten years, and shall also be liable to fine of rupees twenty five thousand.

379-B. Snatching with hurt, wrongful restraint or fear of hurt. Whoever, in order to commit snatching, or in committing the snatching, causes hurt or wrongful restraint or fear of hurt; or after committing the offence of snatching, causes hurt with wrongful restraint or fear of hurt in order to effect his escape, shall be punished with rigorous imprisonment which shall not be less than ten years but which may extend to fourteen years, and shall also be liable to fine of rupees twenty five thousand.”

When the case was listed on 20.12.2017, this Court passed the following order:-

“No meaningful arguments have been advanced despite granting 45 minutes of hearing to the learned counsel for the petitioner. Adjourned to 6.4.2018.”

Today when the case was listed for hearing, learned counsel for the petitioner sought to raise the plea of disproportionate punishment under various sections of IPC and on the basis thereof sought to argue that punishment provided under Sections 379-A and 379-B IPC is disproportionate.

We are not impressed with the arguments. Competence of the State Legislature to amend any provision of Indian Penal Code is not in

doubt. Incidents of snatching only or snatching leading to hurt are on increase. Those are required to be dealt with stern acts. Deterrent punishment has been provided by the aforesaid provisions. Drastic amendments were made in the Indian Penal Code even after Mukesh Kumar and another vs State for NCT of Delhi and others 2013 (2) SCC 587. Regarding punishment in the cases of chain snatching, even the State Legislature of Punjab besides Haryana has already carried out amendments prescribing for deterrent punishment. Similar punishment has been provided in the amendment carried out by Punjab. Merely by comparing the punishments prescribed for different offences under the Indian Penal Code, validity of a provision cannot be challenged on the ground that the punishment is disproportionate.

There is no merit in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

6.4.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No