

217

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

CRM-M-19233 of 2019

Date of decision: May 16, 2019

Shaminder Singh @ Shammi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Daman Jeet Bhoriwal, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.0053 dated 08.04.2019, under Sections 382, 511, 34 of Indian Penal Code, 1860 (for short 'IPC') and Sections 25/27 of Arms Act, 1959, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

In brief, the prosecution case is that the complainant-Hardeep Singh, made a statement that he is an agriculturist. He has 18 Killa of agricultural land in village Tarkhan Wala situated on link road of village Urrang and on this land, he got installed four motors to irrigate fields and electricity department had installed transformer as well. Near to his land, there is land measuring 7 Killa owned by his aunt Sukhwinder Kaur. Few days ago, some unidentified persons after breaking open the transformer had stolen valuable material from these transformers and from that day onwards, complainant and other co-villagers started keeping vigilance upon the transformers installed in the felds. On the day of occurrence, at about

9:00 P.M., complainant along with Sukhpal Singh, Pritpal Singh, Parampal Singh were roaming around their fields in order to check transformers and when they reached near the transformer, they found that four unidentified persons were standing there. They were having two motorcycles, but due to darkness, they could not note down the registration numbers. One clean shaven person had gone up to the transformer and was holding spanner. They raised an alarm, but persons standing near motorcycles fled away. The person who had went up on pole came down. Complainant saw his face in the light of torch and was identified as Shaminder Singh alias Shammi (petitioner), being already known to the complainant. Taking advantage of darkness, he ran away towards the road. Complainant and others chased him, but he boarded his Swift car (white color) having registration number CH-04-2894 and when he tried to flee away, complainant and others tried to stop him. On this, he opened the window pane of the car and pointed pistol towards them. Upon seeing pistol, complainant and others moved backwards and when he tried to turn the car, it slipped down from the road and after opening the door of the car, accused ran away. He was chased but could not be apprehended. When they searched the car, then found from the front seat, one pistol of silver color, one mobile make Vivo from the Dashboard of the car, driving license of accused and from the boot of the car, spanners and other instruments.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case, as a matter of fact, he was working as a security supervisor and had gone to check the towers in the fields.

On the other hand, learned State counsel has opposed the prayer of the petitioner and submitted that the petitioner is involved in two

other criminal cases.

Heard both sides and perused paper book.

As per allegations in the FIR, complainant had gone to his fields for irrigation and at 9.00.p.m., in the light of torch, saw that the present petitioner, already known to him, taking advantage of the darkness trying to commit theft from the transformer, but he was chased and upon search of his car, a pistol along with mobile phone and other documents were recovered. Learned State counsel has apprised this Court that the pistol has been taken into possession by the Investigating Officer. Concededly, petitioner is already involved in two other criminal cases.

In view of the above, custodial interrogation of the petitioner is required to unearth the entire episode, including other co-accused and as such no ground for grant of pre-arrest bail to the petitioner, is made out.

Petition stands dismissed, accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

May 16, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**