

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

I.

CRM-M-2177-2019

Date of Decision : November 20, 2019

Davinder Singh and another

.....Petitioner

Versus

State of Punjab

..Respondent

II.

CRM-M-32961-2019

Harjinder Singh @ Babbu

.....Petitioner

Versus

State of Punjab

..Respondent

Present : Mr. Balram Singh, Advocate for the petitioner
(in CRM-M-2177-2019)

Mr. Jasmeet Singh Ghumman, Advocate for the petitioner
(in CRM-M-32961-2019)

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, i.e. CRM-M-2177-2019 filed by Davinder Singh is for grant of regular bail in case FIR No.326 dated 26.11.2018 under Sections 379-B/34 IPC, registered at Police Station Phillaur, District Jalandhar.

Counsel for the petitioner submits that the FIR was registered on the statement of one Vimlesh Kumar that he was working as cash collector in a Company and on 26.11.2018 after receiving the payment from village Nangal, he was going towards village Bakapur and when he crossed

the railway crossing, two young persons came on a motorcycle and asked him to stop. When he did not stop, they forced the complainant to stop and snatched his mobile and collected an amount of Rs.70,220/- lying in his bag. In the meantime the police party came and the complainant gave a signal to stop them. Both the accused were apprehended at the spot and they disclosed their names as Davinder Singh (petitioner) and co-accused as Harjinder Singh @ Babbu.

Counsel for the petitioner submits that petitioner-Davinder Singh has been falsely implicated in the case.

Counsel for the petitioner has also relied upon the order dated 20.9.2019 passed in CRM-M-32961-2019, whereby regular bail was granted to co-accused Harjinder @ Babbu on the ground that the complainant, who appeared as PW2 has not supported the prosecution version.

When the counsel for the petitioner produced a certified copy of the statement of PW2, it was observed that he has stated that both the assailants, i.e. Davinder Singh and Harjinder Singh @ Babbu were apprehended by the police at the spot and on enquiry, they disclosed their names and further PW2 identified both these persons, who were present in the Court. Therefore, noticing this fact, the Registry was directed to tag the case file of CRM-M-32961-2019 filed by Harjinder Singh @ Babbu and the SHO, Police Station Phillaur, District Jalandhar was directed to ensure that the service is effected on Harjinder Singh @ Babbu with a notice as to why his regular bail be not cancelled.

Counsel for the petitioner has further argued that PW2 Vimlesh Kumar has not supported the prosecution version.

A perusal of the statement of PW2-Vimlesh Kumar show that in the meantime one police vehicle reached the spot and I signalled the police party to stop. I told the matter to them and both the assailants were apprehended by the police party on the spot. On inquiry the accused disclosed their name as Harjinder Singh and Davinder Singh, who are present in the Court today and I identify them. My statement was recorded by the police and the same is Ex.PW2/A, which was read over and explain to me in Hindi Language and is signed the same at point-A in token of its correctness.

Later on, the Public Prosecutor despite the aforesaid fact has declared him hostile and permitted to cross-examine this witness. While cross-examined PW2, the Public Prosecutor gave a suggestion that it is wrong to suggest that on 26.11.2018 both the accused had snatched the bag containing collection amount of Rs.70,220/- and the mobile phone and due to lapse of time, the complainant has forgotten the fact regarding snatching of his mobile phone.

The manner in which the suggestion is given by the Public Prosecutor, it shows that he is trying to help the accused persons.

A complete reading of the statement of PW2 would show that he has supported the prosecution version, identified both the accused persons in the Court and, therefore, the order dated 20.9.2019 passed in CRM-M-

32961-2019 granting bail to co-accused Harjinder Singh @ Babbu was not based on correct facts.

In pursuance to the show cause notice, the SHO, Police Station Phillaur, District Jalandhar has served upon aforesaid Harjinder Singh @ Babbu-petitioner in CRM-M-32961-2019 and the counsel on his behalf has put in appearance.

Counsel for petitioner-Harjinder Singh @ Babbu has stated that even the Investigating Officer has stated that the PW2 has not supported the prosecution case.

After hearing counsel for both the petitioners, I find that PW2-Vimlesh Kumar has fully supported the prosecution version and even the representation made by ASI Dharminder Singh was not correct before this Court that he has not supported the prosecution version.

In view of the same, the regular bail petition, i.e. CRM-M-2177-2019 filed by petitioner- Davinder Singh is dismissed and order dated 20.9.2019 passed in CRM-M-32961-2019 granting bail to Harjinder Singh @ Babbu is recalled and the same is also dismissed.

The petitioner, i.e. Harjinder Singh @ Babbu in CRM-M-32961-2019 is directed to surrender before the trial Court, forthwith.

**(ARVIND SINGH SANGWAN)
JUDGE**

November 20, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO