

(Proceedings conducted through video conferencing)

CRM-M-16753-2020
Date of Decision: 14.07.2020

SACHPREET SINGH @ JASSI ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ajay Pal Singh Rehan, Advocate, for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Briefly, FIR No. 10 dated 14.03.2019 under Sections 323/324/341/379-B/34 IPC (Sections 201 and 326 IPC added subsequently) and Section 25 of the Arms Act, Police Station Tibber, District Gurdaspur has been registered on the basis of statement of Chand Masih alleging that he is employed in Punjab Police. On 12.03.2019, in the evening hours, he was returning to Gurdaspur on a motorcycle. At about 8:30 P.M., he reached near village Nawan Pind Hundal and two unknown persons with muffled faces waylaid him. One of them was armed with *datar* and other assailant was armed with pistol. At the pistol point, the complainant was asked to deliver whatsoever was in his possession. On his refusal, one of the assailants inflicted 06 *datar* blows i.e. on the right side of the head, back side of shoulder, right shoulder, finger of right hand, middle finger of right hand and back side of the head. The complainant fell down and the assailants snatched the purse containing Rs.400/500/-, one mobile phone and a black coloured bag containing clothes. The purse was also containing an identity card and other important documents. The complainant reached his house in a injured condition and his brother-in-law got him admitted in the hospital.

It has been pointed out by the learned counsel for the petitioner that the petitioner was not named in the FIR, he was subsequently arrested in another case and has been falsely implicated in this case.

On the contrary, it has been pointed out by the learned State counsel that besides the present case, there are two other cases registered against the petitioner i.e. FIR bearing No.07 dated 21.07.2017 under Sections 363, 366-A and 120-B IPC at Police Station Bhaini Mian Khan, District Gurdaspur and another FIR bearing No.70 dated 27.10.2019 under Sections 307, 379-B, 506, 34 IPC and Section 25-A of the Arms Act at Police Station Purana Shalla, District Gurdaspur. Furthermore the complainant, during the course of his statement in the Court, has specifically identified the petitioner.

Faced with the situation, it has been pointed out by the learned counsel for the petitioner that identification of the petitioner, during the course of trial, cannot be termed to be free from doubt because as per the version of the prosecution, the assailants were in muffled faces.

It will be too early to comment upon the evidentiary value of the statement of the complainant recorded in the Court. It may be mentioned here that so far only examination-in-chief of the complainant has been recorded and he is yet to be cross-examined. In his examination-in-chief, he has specifically and categorically identified the petitioner, who was stated to be armed with a pistol. Moreover, the petitioner was also identified by the complainant subsequent to his arrest, during the course of investigation.

The petitioner alongwith his co-accused had indulged in snatching on the high-way during night hours. The co-accused of the petitioner in conspiracy with him had inflicted 6 injuries by means of *datar* on the person of the complainant in order to commit snatching which aggravates the gravity of allegations against him. Furthermore, he has also been arrayed as an accused in a similar case bearing FIR No.70 dated 27.10.2019 and is stated to be also in custody in that case. The release of the petitioner on bail shall be detrimental to the interest of the society and such like offences cannot be viewed lightly.

Keeping in view the entire circumstances and gravity of allegations, no ground is made out to extend the concession of bail to the petitioner. Accordingly, the petition stands dismissed.

14.07.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No