

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

CRM-M-20761 of 2020
DATE OF DECISION :- October 16, 2020

Balwinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-17158 of 2020

Sarabjit Singh @ Saba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. A.S. Manaise, Advocate for the petitioner
in CRM-M-20761 of 2020.

Mr. Rajesh Kapila, Advocate for the petitioner
in CRM-M-17158 of 2020.

Mr. H.S. Sullar, DAG, Punjab.

The case has been taken up through Video Conferencing.

Vide this order, I propose to dispose of two petitions, one
moved by petitioner Sarabjit Singh @ Saba bearing CRM-M-17158 of 2020
for grant of regular bail and the other moved by petitioner Balwinder Kumar
bearing CRM-M-20761 of 2020 for grant of pre-arrest bail.

Briefly stated the facts of the case as per prosecution story are that on 19.5.2020 at about 5.45 A.M., while complainant Ratno Devi was present at her shop, three young boys on motorcycles came there. One of the boys asked the complainant to give him kheer/lassi whereas the other boy after alighting from motorcycle asked her to give a biscuit packet. While the complainant was about to turn back for picking up biscuit packet, the second boy snatched her gold ear ring weighing 2/3 grams. Then all the three young boys left the spot on their motorcycle going towards New Abadi Awankha. The complainant raised alarm which attracted Ved Parkash. The complainant got perplexed and became ill due to tension. On 20.5.2020, Manish son of complainant showed her CCTV camera footage in which she saw young boys who had snatched her gold ear ring, one of such boy was Sarabjit Singh alias Saba son of Chanchal Singh, resident of Village Alle Chak (Nano Nangal). Regarding the other two boys, the complainant stated that she could identify them, if they were brought before her.

After registration of the F.I.R., investigation in the case started. Accused Sarabjit Singh @ Saba was arrested in this case during course of his interrogation he suffered a disclosure statement naming Dhoba son of Shinda, resident of Village Lole Nangal and Billa resident of Village Mangal Sain being his accomplice in the incident. Apprehending his arrest in this case, Balwinder Kumar had approached the Court of Sessions at Gurdaspur seeking pre-arrest bail, however, his such petition, which was assigned to Additional Sessions Judge, Gurdaspur was dismissed vide order dated 21.7.2020. Sarabjit Singh @ Saba had sought regular bail from the Court of Sessions. His petition was rejected by Additional Sessions Judge,

Gurdaspur Presided over by Sh. Jatinder Pal Singh Khurmi vide order dated 12.6.2020. Therefore, both the petitioners have knocked at the door of this Court by filing instant petitions which petitions are resisted by the State counsel.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

Here I find that the allegations against both the petitioners are very grave and serious of snatching ear ring from an old woman. Incidents of snatching are increasing day by day putting fear and apprehension in the minds of common people especially the old persons and womenfolk. Such type of snatchers and criminals need to be dealt with firmly and sternly and showing of any sympathy to them would rather encourage the potential criminals to tread path of crime. Sarabjit Singh @ Saba had been identified by the complainant in the CCTV footage. Thus no doubt is left in the mind about his identity whereas names of other two persons including Balwinder Kumar had cropped up during interrogation of Sarabjit Singh @ Saba. Though counsel for the petitioner Sarabjit Singh @ Saba had contended that petitioner was having love affair with one Rukmandeep Kaur and got married with her against the wishes of her family members seeking protection from the Court; her parents had got registered F.I.R. against him and the present case has been got registered against the said petitioner by the parents of Rukmandeep Kaur in connivance with Ratno Devi, but I do not find this reason to be much convincing and plausible at this stage for grant of regular bail. Though Balwinder Kumar is stated to have joined the investigation during the period of interim bail granted to him but then admittedly the custodial interrogation is more elicitation oriented because

the person having safety of bail would certainly not disclose all the facts within his knowledge. Therefore, custodial interrogation of Balwinder Kumar is found to be necessary for complete and effective investigation. Therefore, both the petitions are found to be without merit and are dismissed accordingly.

(H.S. MADAAN)
JUDGE

October 16, 2020
p.singh

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