

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-23348-2020(O&M)

Date of Order:25.08.2020

SANDEEP SINGH

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navmohit Singh, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.478 dated 09.06.2019, registered under Section 323/365/379B/506/34 IPC, at Police Station Civil Lines, Karnal.

In a nutshell, the case of the prosecution has been noticed by the Learned Additional Sessions Judge, Karnal, in para 2 of the order, which is extracted as under:-

“2. Brief facts of the prosecution case are that on 08.06.2019 ASI Sukhdev Singh along with C. Ram Mehar was present in Police Post. Then a complaint bearing no. DB/216/9/2019 dated 08.06.2019 made by complainant Shally Kashyap son of Chander Shekhar, resident of House No.21-B, Durga Nagar, Gulati Property Dealer Road, Mahesh Nagar, Ambala was received in the Police Post through post. It was mentioned in the complaint that the complainant was working as Manager in Micro Labs. On 08.06.2019, he had come to Karnal for the business purpose and had met Mr. Lakhwinder Bhalla at ITI Chowk near new Amritdhara Hospital, Karnal, who took the complainant to Mugal Canal, Karnal on his motor cycle. Thereafter, Mr. Lakhwinder Singh left the motor cycle at Mugal Canal and then he took the complainant in i-20 car of white colour to some unknown place. On the way, Mr. Lakhwinder Singh also boarded three other persons in the car. Thereafter, Mr. Lakhwinder Singh and other three persons had taken liquor and also forced to the complainant to take liquor. Thereafter, all the assailants started giving beatings to the complainant. On the

way, they alighted the complainant from the car and gave beatings to him with danda. They have also broken the bottle of liquor on the head of the complainant and snatched cash from the complainant. Thereafter, all the assailants took the complainant to ATM and withdraw an amount of Rs.4000/-. They also gave beatings to the complainant in ATM cabin. All the assailants have also swiped the credit card of complainant for Rs.2,000/-, Rs.3,000/- and Rs.4,000/- at VIVO Fit, Mugal Canal, Karnal. They have also forced the complainant to take Rs.5000/- from Walk Star Satya Pharma. They have also snatched mobile phone make MI Poko F1 having two SIM Cards no.9896074251 and 7015774251, one gold chain from the complainant and also extended threatening to the complainant to kill him. He requested that legal action may kindly be taken against the culprits and FIR may kindly be lodged against the culprits. On this application, formal FIR bearing No.478 was registered on 09.06.2019, under Sections 323,379-B,365/34 and 506 IPC in Police Station Civil Lines, Karnal. After that investigating agency swung into action. During investigation, on 11.06.2019, the applicant-accused Lakhwinder Singh was arrested. On interrogation, he made his disclosure statement admitting the commission of crime in this case along with his co-accused Sandeep. In pursuance of his disclosure statement, he got recovered one motor cycle bearing registration no.HR05-AB-6743 make Pulsar, Rs.3,000/-, one mobile phone and danda which was used in the commission of crime from the disclosed place, which were taken by the police in their possession vide recovery memo. Site plan of the place of recovery was got prepared. Demarcation memo and identification memo were also prepared. On 13.05.2020, the accused Mehtab Singh has made his disclosure statement in case FIR bearing no.324 dated 28.08.2018 under sections 148,149,323,324,452 and 506 IPC Police Station Nissing in which he has admitted the commission of crime in this case also. Accordingly, the accused was joined in the investigation of this case and he was arrested in this case. He also suffered disclosure statement in this case and in pursuance of his disclosure statement, he got recovered one danda from the disclosed place, which was taken by the police in their possession vide recovery memo. However, the applicant/accused Sandeep Singh has not yet been arrested in this case.”

Learned counsel for the petitioner contends that the case set up by the prosecution is false and not believable. He further submits that the alleged victim never raised hue and cry although alleged to have taken to various places.

On the other hand, learned counsel appearing for the State has pointed out that the petitioner is a habitual offender, involved in as many as 6 more criminal cases apart from the fact that the petitioner has also been convicted in one criminal case. He further points out that the trial of the case against the remaining

accused has made substantial progress, however, the petitioner has successfully evaded his arrest for the last 14 months.

Keeping in view the aforesaid facts, this court is not inclined to grant pre-arrest bail to the petitioner.

Dismissed.

August 25, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No