

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16834 of 2021

Date of Decision: 22.04.2021

Sandeep Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Bikramjit Aroura, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

Petition under Section 438 Cr.P.C is for anticipatory bail in FIR No. 11 dated 3.2.2021, under Sections 379-B and 34 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Chohla Sahib, District Tarn Taran.

The FIR was at the behest of Navroop Singh alias Roopa. It was stated that on 3.2.2021, the complainant was coming back after getting Rs.20,000/- for household purposes from the Commission Agent. Near village Bhattal Sehaja Singh, he stopped his motor cycle for answering nature's call. At about 6.20 PM, three persons came on one motor cycle without number. One of the persons put a parna around his neck and tied it tightly. One of the accused called Sandeep Singh (petitioner) by name to take out whatever was there in the pocket of the complainant. Aadhaar Card, PAN card, driving licence and Rs.20,000/- were snatched. It was alleged that the accused were having something like pistol due to which the complainant could not raise hue and cry.

Learned counsel for the petitioner submits that three accused as

per FIR were having identity of Sikh as they were having beard and moustache. He further argues that the complainant was having a mobile yet instead of giving a call to the police, he went to house of his known from where he took mobile and made call. The story put forth is improbable. He further states that no medical was done of the complainant.

Learned counsel for the State opposes the prayer for pre-arrest bail. She submits that the petitioner was granted interim bail but in spite of joining the investigation, he never cooperated in the investigation and no recovery could be made. The petitioner was earlier involved in NDPS Act case. She vehemently contends that custodial interrogation is necessary for recovering the snatched material and to complete the missing links in the investigation.

Learned counsel for the petitioner submits that the case under NDPS Act against the petitioner was of 2013 and he was fined and sentenced for the period already undergone.

The allegations in the FIR are serious. It is a case of snatching. There are allegations that the accused were carrying some weapon like pistol. The petitioner has been specifically named in the FIR. As per the facts, the co-accused called the petitioner by name at the time of incident. The snatched material and the cash are yet to be recovered.

The contention raised by relying upon the photographs in Aadhaar card and PAN card that the petitioner do not befit the description given in FIR, is noted to be rejected. From the photographs it is evident that the petitioner is having beard and moustache. In the FIR, it was stated that all the three persons were Sikh having beard and moustache. If the petitioner was wearing a headgear, his identity would be as detailed in FIR.

The contention raised by learned counsel for the petitioner that the story put forth is improbable as the petitioner inspite of having mobile went to the house of his known person and gave a call to the police from there, has no weight. The person who has suffered the incident of snatching would be in a state of shock, in such circumstances it cannot be expected that the complainant would be acting as per rationale of a prudent man.

The argument that there was no medical evidence of the

complainant lends no support to the prayer of the petitioner. The allegation is only that one of the co-accused person tied parna on his neck. There is nothing on record to suggest that any injury was sustained by the complainant.

For the reasons mentioned above, no case is made out for anticipatory bail.

The petition is dismissed.

However, nothing said in this order shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

22nd April, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |