

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

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CRM-M-30295-2021

Date of Decision : August 02, 2021

SARDOOL SIKANDER SINGH ALIAS JOGA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vivek Salathia, Advocate
for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.189 dated 4.6.2021 under Sections 379-B, 34 of IPC registered at Police Station, Derabassi, District SAS Nagar, Mohali.

As per the allegations contained in the FIR, which was lodged on the statement of one Davinder Sharma son of Rameshwar Dass Sharma, he is doing the business of repair of jewellery on order and from Bhappa mechanic of Karol Bagh, Delhi and Sanatu of Chandni Chowk, Delhi he used to make jewellery on customers' demand. On 3.6.2021 from his house at Kurukshetra he took his bag at about 1.00 p.m. and firstly went to Yamuna Nagar and then from there he went to his customer Neena wife of Amit, resident of Paonta Sahib and then returned home at about 4.00 p.m.. He recovered earlier payment of Rs.46,000/- and sold new jewellery for Rs.80,000/- i.e. total Rs.1,26,000/- and he put

it in his bag and did not give any bill to them. Thereafter from Paonta Sahib he left for his house at 4.45 p.m. and at Batta Chowk, Paonta Sahib he waited for one hour for a vehicle and then at about 7.00 p.m., he took lift from Batta Chowk, Paonta Sahib in a jeep and reached Ambala at 9.15 p.m. Thereafter at Sultanpur Chowk, Ambala City, he stopped one Innova car (silver colour) and took lift for Chandigarh. When he sat in the Car, he saw that 4 persons were there out of which one who was driver was wearing white coloured parna on his head and the person sitting in the back seat was also wearing white coloured parna on his head and the rest two persons were clean headed. Their age was around 35-40 years and then on the way, the person sitting on the conductor seat got out of the car and sat with him on rear seat. When they crossed toll plaza of Dappar at about 10.00/10.30 p.m. and reached Bakarpur Bir, the driver turned his car towards Bakarpur Bir and when they crossed railway crossing, they stopped the Car and pushed him and snatched his bag which contained his mobile phone, jewellery and cash amounting to Rs.1,26,000/-. It is further stated in the FIR that the complainant can recognize them if they were produced before him. The Innova car was of silver colour bearing No.2900 but he could not read the complete number.

The learned counsel for the petitioner has submitted that the name of the petitioner was not nominated in the present FIR and it was only on the basis of disclosure statement made by the other accused, namely, Vipin that his name has been nominated and, therefore, he may be considered for the grant of anticipatory bail. He submitted that the petitioner was falsely implicated in the present case and he has nothing to

do with the present incident.

On the other, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted on instructions from ASI Paramjit Singh that it is a case where four persons had snatched jewellery, cash and mobile phone from the complainant and thereafter during investigation the car was also identified and its complete number was also identified. The Innova Car was belonging to one of the accused, namely, Vipin Kumar who was arrested and there was a recovery of 12 grams of jewellery from him. Apart from that the police also nominated the name of the petitioner and according to the learned State counsel, the petitioner was also identified by the complainant. Learned State counsel has further submitted that during the investigation, the complainant also identified the two accused, namely, Vipin Kumar and the present petitioner by making a statement that he identified these two persons. He further submitted that the other two accused, namely, Surjit Singh @ Bittu and Lovepreet Singh @ Labha were also arrested in the present case and there was a recovery of 8 grams of jewellery from accused-Lovepreet Singh @ Labha and 40 grams of jewellery from accused-Surjit Singh @ Bittu. Thereafter, the said recovery from all the three accused was also got compared with the jewellery which was stolen from the complainant. The learned State counsel further stated that now the petitioner is the 4th accused who is absconding since 4.6.2021 and his custodial interrogation is required in the present case because the jewellery as well as the cash amount was shared amongst the four persons according to their own shares and, therefore, recovery of the remaining amount as well as the

gold ornaments is yet to be recovered from the present accused i.e. the petitioner. Learned State counsel further stated that the offence is a serious matter in view of the fact that all the four persons, who were in Innova car snatched the gold ornaments, money and mobile phone from a person, who had taken lift from them at night time and the matter has to be investigated from other angle also as to how many other cases are there in which the accused including the petitioner had been doing all this. He further submitted that considering the gravity and magnitude of the present case wherein such kind of offences are being committed continuously on the Highways and on the roads, the matter needs to be probed thoroughly by way of custodial interrogation of the petitioner.

Ms. Sushma Chopra, Advocate who has caused appearance on behalf of the complainant has stated that the photographs of the jewellery are with the complainant and she has already assisted the police in getting the same compared with the jewellery which has been recovered from other three accused. She further submitted that the complainant can identify the present petitioner as well.

I have heard learned counsels for the parties.

The allegations in the present case pertain to a theft being committed by four accused including the petitioner. The other three accused have already been arrested and the ornaments have already been recovered from the other three accused. So far as the present petitioner is concerned, although he was nominated on the basis of the information provided by the complainant but that would not itself become a ground for the grant of bail to the petitioner. According to the learned State

counsel as well as the learned counsel for the complainant the recovered jewellery from the three accused have already been got compared with the stolen jewellery and the complainant have also got photographs of the jewellery which is allegedly to be stolen. The stand taken by the learned State counsel that it is a case of serious nature and of high magnitude because now a days, number of thefts and robberies have been committed on the Highways and on the roads and the matter needs to be probed thoroughly as to whether the petitioner is involved in some other case or not, does carry some weight. As per the learned State counsel, the recovery is yet to be made from the petitioner because he was the 4th accused and the stolen jewellery and cash was shared amongst all the four accused.

Therefore, considering the gravity and magnitude of the offence, this Court does not deem it fit to interfere by granting anticipatory bail to the petitioner.

Consequently, the present petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

August 02, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No