

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44711-2021
Date of Decision: 12.11.2021

(I)

Harpinder Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-47450-2021
Date of Decision: 12.11.2021

(II)

Jaspal Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanjeev Kumar Bawa, Advocate, for the petitioner (s).

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

These two petitions are taken up together for final disposal.

Both the petitions have been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR No.0121 dated 08.05.2021, under Section 379-B IPC, registered at Police Station Parao Ambala Cantt, District Ambala as both the

petitions arise out of the same FIR.

In one of the petition i.e CRM-M-44711-2021 the State has already filed reply by way of affidavit of Deputy Superintendent of Police, Ambala describing the entire facts of the case.

As per the FIR which was lodged at the instance of complainant Amandeep Singh son of Bhag Singh by stating that he works with Honda, Four Wheeler at District Alwar, Rajasthan. On 07.05.2021 in the night when he reached at Railway Station, Ambala Cantt. and he was not getting any conveyance, then he started moving on foot and when he reached ahead the Shastri cut and opposite the cut of Chandrapuri, then two boys were standing there on bike and they stopped him and caused beating to him and snatched his bag, which contained his ATM Card of HDFC Bank, ATM Card of Indian Bank, ATM Card of ICICI Bank, Adhaar Card, Driving License, Heavy License and Rs. 3,000/- was lying in purse and two dresses of his company were lying in the bag were taken away by them alongwith one mobile phone.

This FIR was lodged at Police Station Parao Ambala Cantt on 08.05.2021. The learned counsel for the petitioners have submitted that both the petitioners are falsely implicated in the present case and they were never identified by anybody. He submitted that the alleged bag alongwith the articles were thereafter allegedly recovered from the petitioners in some other incident and, therefore, as of now no recovery is to be effected from the petitioners and, therefore, custodial interrogation of the petitioners is not required. He further submitted that the police has not acted in a fair manner and no proper identification has been done. The learned counsel further submitted that petitioner Harpinder Singh is on bail in other case of Dera

Bassi and the police has not even taken the production warrants in the present case against the petitioner.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana while referring to the affidavit filed by the Deputy Superintendent of Police, Ambala has submitted that in the present case on 09.05.2021 the complainant Amandeep Singh had been informed by the Investigating Officer of this case that he had received an information from Police Station at Dera Bassi that both the petitioners were arrested red handed while trying to snatch the earrings (Topus of gold) of the right ear of Smt. Manpreet Kaur wife of Sh. Sukhbir Singh, resident of village Nagla, Police Station Zirakpur, District SAS Nagar in FIR No.164 dated 08.05.2021, under Sections 379-B/411/34 IPC, Police Station Dera Bassi, District Mohali, Punjab alongwith a bag in their physical possession regarding which, during initial interrogation the accused/petitioners made their disclosure statement that on the intervening night of 07/08.05.2021 they snatched this bag from a boy after giving him beatings. The said bag was taken into possession by the Punjab Police vide recovery memo of even date i.e. 08.05.2021 and after searching the bag those articles were recovered from the bag and were taken into possession by the Punjab Police in the presence of witnesses and thereafter, during investigation Amandeep Singh who is the complainant in the present case identified the petitioners in Dera Bassi before the I.O of the present case and he also identified all the articles, which were snatched from him and the same were recovered from the possession of the present petitioners in other FIR.

Learned State counsel further submitted that it is a case where

both the petitioners had snatched the bag containing the aforesaid articles in

the intervening night of 07/08.05.2021 at Ambala and thereafter, they committed another offence of snatching at Dera Bassi in Punjab where they were arrested on the spot and the present bag containing the articles belonging to the present complainant was recovered. He while referring to para No.6 of the affidavit has further submitted that petitioner Harpinder Singh has earlier also indulged in criminal activities and was booked in an FIR No.154 of 2020, registered at Police Station Samrala, under Section 21 of NDPS Act. He submitted that in view of the aforesaid facts and circumstances of the case, the custodial investigation of the petitioners is very essential as they have committed snatching two times in one day and during second snatching they were caught red handed and for the purpose of elicitation of truth and their involvement in any other case, their custodial interrogation is required and there is a strong apprehension that in case, they are granted bail, then they may abscond.

I have heard the learned counsel for the parties.

The argument raised by the learned counsel for the petitioners that no further recovery is to be effected from the petitioners and the police is not acting fairly or that no proper identification was done is totally in contrast with the affidavit filed by the State. Even if no further recovery is to be made but in view of the facts and circumstances, the petitioners had allegedly snatched a bag from one Amandeep Singh-complainant on the intervening night of 07/08.05.2021 and on the same day i.e. on 08.05.2021 they were caught red handed by the Punjab Police at Dera Bassi while snatching gold earrings from a lady and from that place the earlier bag of the present case was found from their possession.

The argument raised by the learned counsel for the petitioners that the petitioners deserve the concession of anticipatory bail in view of the fact that when they were arrested in other case and the police in the present case has not taken production warrants would also not be sustainable because this itself does not vest any right in the petitioners for the grant of anticipatory bail when the other factors suggest their involvement together in another case in a series of events.

The argument raised by the learned State counsel that for the purpose of elicitation of truth with regard to the involvement of the petitioners in other cases and the method of committing of an offence thus carry some weight particularly in view of the fact that one of the petitioner is also involved in another case under NDPS Act.

In view of the seriousness and gravity of the offence, this Court is of the opinion that this case is not a fit case for grant of anticipatory bail to the petitioners.

Consequently, both the petitions are hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

12.11.2021

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No