

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

204-3

**CRM-M No.7041 of 2022
Date of Decision: 14.07.2022**

Gurmukh Singh @ Happy

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Maneet Kumar Arya, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J. (Oral)

The petitioner herein has sought the relief of pre-arrest bail in the criminal case arising out of the FIR bearing No.91 dated 06.07.2021 registered at Police Station Kiratpur Sahib, Rupnagar, under Sections 365, 342, 379-B, 323, 506, 148 and 149 IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant in the subject FIR, are that while he, along-with Jaspal Singh, was returning after meeting one Jarnail Singh in connection with some agricultural work and receiving an amount of Rs.25,000/- from him for the same, the petitioner, along-with accused Gurnam Singh and their other accomplices, way-laid them and they manhandled and gave beatings to him and then, took him along in a car and the petitioner had forcibly taken away the amount of Rs.26,000/- from his purse.

3. It is worth-while to mention here that vide the order dated

28.03.2022 as passed by the Co-ordinate Bench, the petitioner was granted the relief of interim bail with the direction to join in the investigation and to abide by the conditions as laid down in Section 438(2) Cr.P.C.

4. Learned State counsel, on the instructions from ASI Sushil Kumar from the afore-said Police Station, apprises the Court that though the petitioner had joined in the investigation but he did not co-operate the Investigating Agency and the recovery of the above-said amount is yet to be effected from him.

5. To add to it, as per the allegations levelled in the FIR, the petitioner happens to be one of the main perpetrators of the alleged crime and in view of the afore-said submission as made by learned State counsel, the possibility of the requirement of the custodial interrogation of the petitioner for the purpose of the recovery of the above-said amount cannot be ruled out. To cap it all, in Para No.5 in Annexure P-3, i.e copy of the order passed by learned Additional Sessions Judge, Rupnagar on 24.12.2021, it has categorically been mentioned that the offence under Section 379-B IPC has been deleted whereas the offences under Sections 325 and 397 IPC have been added in the present case later-on and this fact certainly aggravates the gravity of the alleged crime.

6. Though learned counsel for the petitioner has referred to Annexure P-2, i.e the copy of the affidavit purported to have been sworn by said Jarnail Singh, with the depositions that he did not give any money to the complainant and he has contended that this affidavit falsifies the allegations of the complainant regarding the petitioner having snatched the

afore-said amount from his purse but however, at this stage, the truthfulness and genuineness of the same cannot be ascertained and rather, it would be the subject matter for consideration and adjudication by the trial Court at the appropriate stage during the course of the trial.

7. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed.

14.07.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*