

104
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11573-2022
Date of Decision:21.03.2022

Harnek Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pushp Jain, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.05 dated 15.01.2022, under Section 379-B IPC, registered at Police Station Lohian, District Jalandhar.

As per the FIR which was lodged on the basis of statement made by one Daulat Ram that he is doing the work of Security Guard in the night at ICICI Bank and on the date of lodging of the FIR, he alongwith his brother-in-law namely Jaspal on his Aactiva Scooty bearing registration No. PB-08CJ-8587 were going from Lohian to Shahkot on duty, then at about 8.30 P.M when they reached at GT Road, then just ahead of Government School of Village Nihaluwal, two motorcycles upon which few young boys

with muffled faces were riding and lights of motorcycles were off and they were armed with deadly weapons came from the backside and one young boy sitting on back seat of one motorcycle caught hold the handle of his Activa Scooty after coming near to him and pushed and complainant and his companion fell down. Thereafter, the accused persons started giving beatings to them and asked them to give everything which they have and threatened to kill them and thereafter they snatched SAMSUNG A-20 mobile from the pocket of trouser of the complainant and one kit containing blanket, I-Card and they also snatched Rs. 1,000/- from the pocket. Thereafter, one car came from back side in which some persons were there, who on seeing them stopped the car and they all chased the motorcyclists who ran away towards the Village Nihaluwal. Thereafter, when they reached Village Nihaluwal they saw one motorcycle of mark CT-100 of blue colour without number plate was lying in the field of the road and one young boy was lying near the same in injured condition and one kirpan was also lying there. The complainant identified the clothes that he wore at the time of incident and on his asking, he disclosed he name as Sandeep Singh @ Seepa and so far as the other companions are concerned, they ran away because of the darkness.

The learned counsel for the petitioner has submitted that the name of the petitioner has cropped up only on the basis of disclosure statement made by co-accused and he was not involved in the present case.

On the other hand, Mr. Sidakmeet Sandhu, learned Assistant Advocate General, Punjab has submitted on instructions from ASI Sarabjit Singh that it is a case where a gang was being operated in the area and not

road side and the petitioner was also an active member of the aforesaid gang. He further submitted that although his name has been disclosed by the co-accused but the petitioner is actively involved particularly in view of the fact that he is also involved in a similar kind of other case bearing FIR No.117 dated 17.10.2021 and, therefore, the petitioner does not deserve the concession of anticipatory bail. He further submitted that the incidence of snatching are going up day by day especially when the accused come in muffled faces and in order to elicitate the truth and to nab the other gang members and also the number of other crimes in which the accused are involved, the custodial interrogation of the petitioner is required.

I have heard the learned counsel for the parties.

It is a case where a group of persons had alleged snatched mobile phone and other articles from two passersby and thereafter when they chased him, then the motorcycle fell down and one of the co-accused was nabbed and thereafter in the chain of sequence of events the other accused including the petitioner was also nominated in the present FIR. The submission made by the learned counsel for the State that the incidence of snatching is going up every day and for the purpose of elicitation of truth the custodial interrogation of the petitioner is required does carry weight. The antecedents of the petitioner whereby he was involved in similar kind of other offence also would also disentitle the petitioner for grant of anticipatory bail. Therefore, considering the totality and circumstances of the present case, this Court does not deem it fit and proper to grant concession of anticipatory bail to the petitioner.

Consequently, the present petition is 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 petition only.

21.03.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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