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

CRM-M-52182-2022

Date of decision : 14.11.2022

Charanjeet Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gurpreet Singh, Advocate for
Mr. Jatinder Pal Singh, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.212 dated 27.07.2022 registered under Sections 379-B, 506 and 34 of Indian Penal Code, 1860 at Police Station Tripri, District Patiala.

Learned counsel for the petitioner has submitted that in the present case, there is a delay in registration of the FIR inasmuch as the incident had taken place at 09:30 pm on 26.07.2022 whereas the FIR has been registered on 27.07.2022 at 02:00 hours. It is further submitted that the petitioner is stated to be involved in five other cases and the said FIR has been illegally registered on the asking of the complainant-Anil Saxena.

On the other hand, learned State Counsel has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted, on instructions from ASI Charan Singh, that the petitioner is involved in eight other cases which are under the Excise Act and they have been registered after the offences which have been mentioned in the said FIR had been committed

by the petitioner. It is further submitted that the details of the said FIR have not been given in the present petition and it has simply been stated in para 9 of the petition that the petitioner is involved in other FIRs also. It is contended that the plea raised now that the present FIR has been registered at the instance of complainant is absolutely false and incorrect. It is also argued that there is no delay in registration of FIR inasmuch as the incident started at 09:30 pm and after the incident was over, the statement of the complainant and Jeewan Singh was duly recorded and the entire proceeding was concluded at 01:50 AM as is apparent from page 18 of the paper book wherein the police proceedings have been detailed and is shown to be a part of the FIR and that the said part of the FIR has not been translated in the present petition. It is also contended that the petitioner is the main accused in the present case and he, alongwith three companions, had stepped down from the vehicle and started throwing bricks on Bolero Camper vehicle in which, Jeewan Singh was travelling alongwith the complainant and was bringing cash from the liquor shop situated at Deep Nagar and the petitioner alongwith said three unknown persons had assaulted Jeewan Singh and had snatched cash amounting to Rs.60,000/- which was collected from the said liquor shop and had thereafter, fled from the spot in their Scorpio vehicle. It is further submitted that the custodial interrogation of the petitioner is necessary in order to ascertain the names of the other three persons who were involved in the incident in question and in order to complete the chain of evidence and thus, granting the concession of anticipatory bail to the petitioner would prejudice the case of the prosecution.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, FIR has been registered on the statement of

Anil Saxena who has specifically named the present petitioner and has alleged that the complainant along with Jeewan Singh, Harwinder Singh and Parminder Singh was travelling in Mahindra Bolero Camper bearing No.PB-11CS-526 for collecting cash and thereafter, they had asked Jeewan Singh to bring the cash from liquor shop of Deep Nagar and thus, the said Jeewan Singh stepped out of the vehicle to do the same and was then returning to the vehicle after taking cash from the liquor shop and in the meantime, at around 09:30 pm, in one white coloured Scorpio car, the present petitioner along with three unknown persons arrived at the spot and got down from the vehicle and started throwing bricks at the Bolero Camper vehicle and further, the said petitioner alongwith three unknown persons assaulted Jeewan Singh and snatched cash amounting to Rs.60,000/- that had been collected from the liquor shop and the accused persons fled from the spot in their Scorpio vehicle after giving death threats to the complainant party. As per the FIR, there are specific allegations levelled against the present petitioner and it is the petitioner who prima facie seems to be the main accused. The petitioner is a habitual offender and is stated to be involved in eight other cases as per learned State Counsel. Although, it was incumbent upon the petitioner to mention the details of the said cases in the petition but the same has not been done and it has been simply mentioned in para 9 of the present petition that there are other FIRs pending against the present petitioner. At any rate, it is clear from the said fact that the petitioner is a habitual offender. The custodial interrogation of the petitioner is necessary in the present case inasmuch as the names of other three unknown persons who were accompanying the present petitioner are to be ascertained during the course of investigation. The argument of learned counsel for the petitioner to the effect that there is a delay in registration of FIR is completely

misconceived. The petitioner has not translated the present FIR in its entirety. At any rate, as per the FIR, the incident had started at 09:30 pm and a perusal of the vernacular of the FIR more so, pages 17 and 18 of the paper book, would show that the police officials had recorded the statement of the complainant-Anil Saxena which was duly endorsed by Jeewan Singh at 01:50 AM. It cannot be stated that there was an inordinate delay in registering the FIR in the present case so as to entitle the petitioner to the concession of anticipatory bail inasmuch as the incident had started at 09:30 pm on 26.07.2022 and FIR had been registered after recording the statement by 01:50/02:00 AM on 27.07.2022. With respect to the argument of learned counsel for the petitioner to the effect that it was at the behest of the complainant that eight FIRs were registered against the present petitioner, suffice it to say that neither the FIRs have been annexed along with the present petition nor the details of the same have been provided and thus, the said argument is baseless and sans merit. It, in fact, indicates that the present petitioner is a habitual offender.

Keeping in view the abovesaid facts and circumstances, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

14.11.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**