

CRM-M-28002-2023

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2023:PHHC:085826

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

**CRM-M-28002-2023
Date of Decision: 05.07.2023**

Heera Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Prince Sharma, Advocate
for the petitioner.

Ms. Guramrit Kaur, D.A.G., Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, stated to be 21-year old young boy, seeks anticipatory bail in criminal case bearing FIR No.100 dated 13.05.2023, registered under Section 379-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station, Gate Hakima, Tehsil & District Amritsar (Police Commissionerate Amritsar), Punjab.

2. According to the First Information Report (FIR), petitioner along with other co-accused, who were armed with sharp edged weapons like *Datar*, snatched the Activa scooter from complainant and his friend on the intervening night of 12/13.5.2023, when they were returning from their work place.

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3. Learned counsel for petitioner submits that petitioner along with other co-accused have been implicated in absolutely false cases by the police due to certain factional dispute. Earlier also, the petitioner had been implicated in three false cases and in all those three cases, he is on bail.

4. On the other hand, learned State counsel, on instructions from ASI Gurpreet Singh, opposes the petition. He submits that petitioner along with other co-accused has committed serious offence. Custodial interrogation of the petitioner is required to unearth the whole incident and to conclude fair and meaningful investigation. She further submits that petitioner is involved in three other FIRs; first under Sections 399, 402 IPC, Sections 21, 22 NDPS Act, Section 25 Arms Act, second under Section 379-B read with Section 34 IPC and Sections 25 and 27 of Arms Act, and third under Sections 25 and 27 of Arms Act.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. In para 6 of status report dated 7.6.2023 by way of affidavit of Assistant Commissioner of Police, Central, Amritsar City, following stand has been taken to counter the arguments of learned counsel for petitioner:

“6. That insofar as the contentions being raised in paragraph No. 4 and 5 of the present petition by the petitioner are concerned, it is submitted that Sajan-the complainant of the present case FIR No. 100/2023 (supra) and eye witness Satnam Singh have no link with any political party and they even did not know the petitioner and co-accused Simranjit Singh before occurrence of the present case. They both had made efforts on their own soon after commission of offence and they had come to know about actual identity of the accused persons i.e., present petitioner Hira Singh and co-accused Simranjit Singh, who had snatched Activa scooter from Simranjit Singh. It is

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further submitted that one general store of one Surinder Kumar S/o Lekh Raj R/o H. No. 4574, gall Tokian wali, Daimganj, Amritsar in the name of Mahajan Telecom is situated near the place of occurrence. The owner of the shop lives in the same premises and he has kept a small window backside the shop so that whenever a person comes to his shop during odd hours for purchasing some stuff then he delivers the required goods through this small window. The complainant Sajan also lives at some distance from this shop and he used to purchase goods from this shop, hence the complainant Sajan had stopped there for purchasing some stuff from that shop, but before that the petitioner and co-accused Simranjeet Singh snatched Activa scooter from Satnam Singh friend of the complainant. The statement of the above said Surinder Kumar and supplementary statement of the Complainant Sajan have been recorded in this respect by the Investigating Officer.”

7. In the premise, it appears that factional dispute is just a ruse to seek bail and given that the antecedents of the petitioner are highly suspect, I find no ground to grant any indulgence. No case for grant of anticipatory bail to petitioner is thus made out.
8. Dismissed.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 05, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No