

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(208)

CRM-M-34093-2021

Date of Decision: 09.02.2023

Nachatter Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. R.S. Bains, Sr. Advocate with
Mr. M.S. Chauhan, Advocate for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.17 dated 9.3.2021 under sections 379-B, 411 I.P.C, registered at Police Station, Aur, District SBS Nagar.

As per factual matrix, a complaint was lodged by Lovepreet Singh @ Sabi, wherein it was alleged that in the intervening night of 8/9.3.2021 he was coming towards Ludhiana via Rahon. At about 7.30 AM when he reached near Sandhu Dhaba at village Aur, he was waylaid by a white colored Duster car bearing no. PB-10-FG-0302. The driver of the vehicle, who was having Daat in his hand and another person quickly came out of the car and tried to snatch the bag containing around Rs.45,000/-. When he tried to resist the accompanying person exhorted by calling the name Nachhatar Singh hit him by Datar. He was threatened and the bag was snatched. Thereafter, both of them fled away towards Rahon in their car. Thereafter, the complainant made the inquiry and came to know that the person carrying Datar in his hand was Nachattar Singh. It was also

alleged that he could not find the name of clean shaven person, however, he could identify if he is brought before him. A request was made to take legal action against the culprit.

On the basis of the complaint, present FIR was lodged and investigation commenced. Statements of witnesses were recorded and both the accused were arrested. Petitioner was arrested on 26.3.2021. He approached learned Addl. Sessions Judge, SBS Nagar for grant of bail, however, after hearing the parties, the same was declined vide order dated 22.7.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned senior counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He submits that admittedly petitioner has been prosecuted in number of other cases and on account of the same the investigating agency has planted this case on the petitioner. It is submitted that from perusal of the allegations made in the FIR it is apparent that a concocted story has been made and the petitioner has been implicated in a clandestine manner. It is submitted that as per the allegations of the complainant the accused persons came in a Duster car and the bag was snatched from him, however, during investigation, in the disclosure statement there is no mention about the Duster car but the same is about Terrano car which in itself is sufficient enough to discredit the case of the prosecution. He submits that after registration of the present FIR the complainant has left for Canada and till date despite repeated opportunities he has not returned for his deposition before the Trial Court. It is submitted that petitioner is behind bars for the last about 1 ½ years and till date only one witness has been examined by the Trial Court. It is submitted that

though the petitioner is involved in 16 more cases, however, in majority of the cases he has been acquitted or discharged. Three cases are pending trial and in one case petitioner has been convicted for 5 years. It is submitted that in the overall facts and circumstances of the case petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel on instructions from ASI Charan Dass has submitted that petitioner is involved in 17 cases out of which 4 cases are pending trial and in rest of the cases petitioner has been either acquitted or discharged. It is submitted that in all there are 11 prosecution witnesses out of which only one has been examined so far.

I have heard learned counsel for the parties at length and have gone through the records carefully.

There is no gainsaying that the petitioner is involved in 17 more cases, however, in majority of the cases he has been either acquitted or discharged. The contradictions in the statements as argued by learned senior counsel are to be appreciated by the learned Trial Court. Admittedly, petitioner is behind bars since 26.3.2021. The complainant is in Canada and has not appeared for his deposition before the learned Trial Court.

This court would refrain itself from commenting anything on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of

Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

09.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No