

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.302

CRM-M-29765-2023

Date of decision:08.12.2023

Sidhant Sehgal @ Arjal Sehgal

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Ms.Monita Mehta, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.127 dated 20.09.2017 registered under Sections 379-B/506 IPC at Police Station Mahilpur, District Hoshiarpur.

2. The FIR in the present case was registered on the basis of the statement made by Ashok Kumar son of Shyam Lal Gupta. As per the complainant, he was working as a money changer. At about 2.00 p.m. on 20.09.2017, he was present alone in his shop and one white colour car bearing registration No.3264 stopped near his shop and four clean shaven young persons came out of said car. The age of those persons was somewhere between 25-30 years. They came to his shop and one of them said that they wanted to get a payment withdrawn through western union and

also took out an object which looked like a gun. The third person took out a dattar and shifted the complainant to one side and took all the money from his locker. While leaving, they threatened him that he should not come out and should not tell anyone about the incident. All of them went towards Garhshanker in their vehicle and out of fear, the complainant could not even scream and could not tell anyone about this incident. Later, he told his son and neighbours about the incident. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner submitted that the petitioner was not named in the FIR and his name appeared for the first time in the supplementary challan (Annexure P-4), wherein it was mentioned that the petitioner was declared as a proclaimed offender on 20.09.2018. Learned counsel submits that in fact, the petitioner was wrongly declared as a proclaimed offender and he was in jail in some other case on the said day. She further contends that the petitioner was brought from Central Jail, Jalandhar and was arrested in the present case on 25.03.2022. Learned counsel further contends that the petitioner is in custody for the last more than 01 year and 8 months. Learned counsel further contends that in the present case, the trial has not progressed much and no witness has been examined so far. Thus, the petitioner deserves the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the following cases have been registered against the present petitioner:

- (i) FIR No.185 dated 27.07.2018 registered under Sections 302/120-B/201/212/216 IPC and under Sections 25/54/59 of the Arms Act at Police Station Rama Mandi;
- (ii) FIR No.104 dated 20.06.2018 registered under Sections 307/34 IPC and under Section 25 of the Arms Act at Police Station Division No.2;
- (iii) FIR No.94 dated 07.09.2017 registered under Sections 307/353/186/148/149/482/411 IPC and under Sections 25/54/59 of the Arms Act at Police Station Nurmahal;
- (iv) FIR No.403/2022 dated 16.11.2022 registered under Sections 380 IPC and under Sections 22/61/85 of the NDPS Act at Police Station Kotwali Kapurthala

5. Still further, the present petitioner has also been convicted in the following case:-

FIR No.94/2017 dated 22.07.2017 registered under Sections 25 of the Arms Act at Police Station Adampur

6. Apart from that, the petitioner was also acquitted in the following cases:-

FIR No.140 dated 11.11.2015 registered under Sections 307/323/148/149 IPC at Police Station Division No.4, Jalandhar.

7. Learned State counsel further submits that in fact, the petitioner belongs to a gang of decoits and does not deserve the concession of bail. Learned counsel further contends that in the present case, since five persons had committed the decoity, the offence under section 379-B IPC was deleted and Section 395 IPC has been added in the present case. Apart from that, in

case the petitioner is released on bail, he may repeat the crime and may also flee from the process of justice.

8. I have heard the learned counsel for the parties and perused the record.

9. From the submissions made by learned counsel for the parties, it is apparent that the petitioner had committed the decoity in the broad day light in a market and had taken away huge amount from the locker of the complainant. Apart from that, at the time of commission of the crime, the present petitioner and his co-accused were duly armed and earlier also, the petitioner had evaded the process of law. Apart from that, from the submissions made by learned State counsel, it is apparent that the present petitioner is a hardened criminal and in the past also, he was involved in the number of criminal cases and the apprehension expressed by learned State counsel seems to be well founded.

10. Consequently, keeping in view the gravity of the offence, the petitioner is not entitled to the concession of regular bail and accordingly, the present petition is hereby dismissed, being devoid of any merits. Pending application(s), if any, shall also stand disposed of.

08.12.2023
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO