

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43836-2022 (O&M)

Date of decision: 13.01.2023

Sukhchain Singh @ Chaina

....Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Jitender Singh Dadwal, Advocate for the petitioner
Mr. Inderpreet Singh Kang, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This is the petitioner's fifth attempt to get bail pending trial in a criminal case arising from FIR No.66 dated 25.02.2020 registered under Section 379B, 342, 459, 506, 34 IPC, 1890 later on deleted Section 379B IPC and added Section 395, 460, 325, 411, 201 IPC Act, 1860, at Police Station City Tarn Taran, District Tarn Taran.

2. On 05.10.2000 while dismissing the petitioner's request for the bail, the following order was passed in CRM-M-29947-2020:-

"The petitioner prays for bail pending trial in a criminal case arising from FIR No.66, dated 25.2.2020, registered under Section 379-B, 342, 459, 506,34 IPC (later on Section 379-B IPC was deleted and Section 395, 460, 325, 411, 201 IPC were added), at Police Station City Tarn Taran, District Tarn Taran.

The bail petition of Satnam Singh, a co-accused has been dismissed by a co-ordinate Bench of this Court, vide order dated 23.9.2020, passed in CRM-M-15718-2020, which is extracted as under:-

"The matter has been taken up through videoconferencing on account of outbreak of pandemic COVID-19.

The petitioner has approached this Court for regular bail under Section 439 of the

Code of Criminal Procedure in case FIR No.66 dated 25.02.2020, under Sections 379-B, 342, 459, 506, 34 IPC (Section 379-B, 34 IPC deleted later on vide Diary No.24 dated 13.03.2020 and Sections 395, 460, 325, 411, 201 were added later on), registered at Police Station City Tarn Taran, District Tarn Taran.

Brief facts of the prosecution case are that as per statement made by Bakshish Singh on the fateful day at about 10.45 PM, a person knocked the gate of the Dera and told the complainant that they had already talked with Baba Mahinder Singh about the seriousness of their patient and want to admit him in the hospital and they also want to meet Baba Jiwan Singh Ji. When he opened the gate, he saw that the three persons entered into the Dera forcibly and stopped their vehicle near the room of Baba Ji, whereas one person kept sitting in the car. The complainant had also seen that one of them was holding the arm of Baba Ji and pulled him in the room and he was given severe beatings by the aforesaid three persons. The complainant was also caused injuries. The accused had stolen the offered money (Chadhawa). After stealing his mobile phone, accused fled away from the spot alongwith money. On the said averments instant FIR was registered.

Learned counsel for the petitioner contends that petitioner is innocent, who has been falsely implicated in this case; initially FIR was registered under Section 379-B of IPC and later on Section 395 IPC was added; only an amount of Rs.300/- and a mobile phone have been shown to be recovered from the possession of the petitioner. The petitioner was not visible in the CCTV footage and no identification parade was got conducted by the investigating officer. The identity of the petitioner has not been established by the prosecution as no test identification parade was got conducted by the investigating officer. He has lastly contended that the petitioner is already confined in judicial custody since 01.03.2020 and the trial has not commenced as yet, hence the petitioner may be released on bail.

Per contra, learned State counsel assisted by Mr. Amit Arora counsel for the

complainant has vehemently argued that the petitioner accompanied by the other accused committed the dacoity and took the money of Dera and ran away from the spot after causing grievous injuries to the complainant. He has further contended that an amount of Rs.5,65,000/- was recovered from the bag being carried by the petitioner on his left shoulder. He lastly argued that the accused got converted the huge amount of looted money from Indian currency to US Dollar and as such, petitioner does not deserve the concession of bail and prayed for dismissal of the petition moved by the petitioner.

I have heard learned counsel for the parties and gone through the relevant record.

The main argument raised by learned counsel for the petitioner is that the presence of petitioner has not been recorded in the CCTV footage on the place of occurrence and the identity of the petitioner has not been duly established, suffice it to say that according to prosecution, petitioner Satnam Singh remained kept sitting in the car of Balwinder Singh at the time of commission of the offence of dacoity. Later on, petitioner suffered his disclosure statement on 01.03.2020 and currency notes amounting to Rs.5,65,000/- were got recovered from him, same were taken into possession vide seizure memo. In the present case, total amount of dacoity i.e. Rs.1,66,59,000/- have been recovered. There are direct allegations to the effect that the petitioner in connivance with other co-accused hatched a criminal conspiracy, committed the offence of dacoity and also caused grievous injury to the complainant.

Having regards to the totality of the facts and circumstances of the case aforementioned, specific role attributed to the petitioner and gravity of offence, I do not deem it fit to grant the concession of bail to the petitioner.

Consequently, the present petition is hereby dismissed.”

Learned counsel for the petitioner contends that the petitioner is in custody since 28.2.2020.

On the other hand, Sh. Amit Arora, Advocate, who has appeared for the first informant has submitted that from the custody of the petitioner Rs.18,32,000/-, (Indian currency) and US Dollors 13000, have been recovered. He further informs the Court that as per the CCTV recording, the petitioner has played an active role.

Keeping in view the aforesaid facts, this Court is not inclined to grant concession of bail to the petitioner.

Hence, dismissed.”

3. The petitioner claims bail on account of custody approximately for a period of 2 years and 11 months.
4. The Deputy Superintendent of Police has filed the custody certificate, disclosing the petitioner’s antecedents. It has been brought to the notice of the Court that the petitioner is a habitual offender and summary of this offences has been compiled in a tabulated form, which reads as under:-

Sr. No.	FIR No.	Under Sections	Police Station	Status
1.	FIR No. 89 dated 17.07.1999	3/ 4 of the Explosive Act	Chheharta, District Amritsar	Convicted
2.	FIR No. 99 dated 04.08.1999	4/5 of the Explosive Act	Chheharta, District Amritsar	Convicted
3.	FIR No. 52 dated 16.04.1999	4/5 of the Explosive Act and 427 IPC	Katwali	Acquitted
4.	FIR No. 22 dated 12.02.1999	4/5 of the Explosive Act	D- Division Amritar	Acquitted
5.	FIR No. 116 dated 04.08.1999	307 of IPC and 4/5 of the Explosive Act	A-Division	Untraced
6.	FIR No. 32/1999	3/4/5 of the Explosive Act & 150 of Railway Act	GRP Patiala	Acquitted
7.	FIR No. 546 dated 01.12.2000	14 of the Railway Act & 25 of the Arms Act & 15 of the NDPS Act & 4/5 of the Explosive Act	Kotwali, Bathinda	Untraced
8.	FIR No. 52 dated 25.03.2008	3/4/5/6 of the Explosive Act	C-Division Amritsar	Acquitted

9.	FIR No. 209 dated 06.10.2008	489 ABC/420 of IPC	Sultanwind Amritsar	Convicted
10.	FIR No. 03 dated 14.1.2011	489 ABC/ 420/120-B of IPC	SSOC, Amritsar	Acquitted
11.	FIR No. 83 dated 27.02.2012	451/228 of IPC	Civil Lines, Amritsar	Acquitted
12.	FIR No. 140 dated 12.08.2019	21/25/27/29/61/85 of the NDPS Act	Gharinda, Amritsar	Acquitted

5. In view of the aforesaid facts, no ground to grant the concession of bail to the petitioner is made out.
6. Hence, dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

13.01.2023
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(ANIL KSHETARPAL)
JUDGE

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