



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

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CRM-M-4997-2024

Date of decision: August 27th, 2024

Sahil Singh @ Chandan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.200 dated 02.10.2023 under Sections 379, 323, 34 of the IPC (Sections 379-B, 201 and 411 of the IPC added and Section 379 of the IPC deleted later on) registered at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 05.10.2023, not only have the charges been framed in the present case but even the sole material witness i.e. the complainant, whose mobile handset along with ₹10,000/- was allegedly snatched by the petitioner and the co-accused, has since been examined before the trial Court. Hence, his further incarceration would serve no useful purpose as there can be no apprehension of the petitioner tampering with any evidence much less influencing the witnesses. A prayer has, therefore, been made in the

aforementioned facts and circumstances to extend the concession of bail to the petitioner.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Hardev Singh, has not disputed that the sole material witness i.e. the complainant stands examined, however, it has been submitted that the petitioner is a habitual offender, who has been repeatedly committing identical offences of snatching. Learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR, which stands reproduced hereinunder:-

“Statement of one Prabhjot Singh s/o Kuldeep Singh, resident of Makhi Mohalla, Ghanupur Kale, Chheharata, Amritsar, Age 19 years, Mobile no.99156-39882. It is stated that I am resident of the above said address and I am serving in Atlantis Hospital. As per my daily routine, on 18.09.2023, I, by finishing my duty, was going to my home. When I reached near my home, then Sahil @ Chander S/o Jagtar Singh, Rohit S/o Sukhdev resident of Near Tori Wali Gali, Kishan S/o Sikander Singh, resident of Makhi Mohalla, Munna Pari who were standing in my Mohalla Jaimal Singh and immediately looking at me, started abusing me. My father Kuldeep Singh and my mother came out who came to get me protected. All these persons beat us up with sticks (Danda) and caused injuries to us with their worn bracelets and gave us pushes. They caused injuries to my father and mother on head with their Bracelets and also hit on my head with bracelets as also with sticks (Danda). The enmity is that the above said boys are habitual addict and would consume intoxicant themselves. We prevented them from doing so and also asked them that Police will be intimated. During the quarrel, from my pocket of worn trouser, they took out my mobile No. Redmi-5G and Rs.10,000/-. My family made arrangement of a conveyance and took me and my father to Civil Hospital. This incident took place at about 10.30 PM. Our treatment is going on at Guru Nanak Hospital. Statement has been heard, is accepted as correct. Till now, the eminent persons kept on trying to get

a compromise reached between us but the same could not reach its conclusion.”.

4. While drawing the attention of this Court to the allegations levelled in the FIR, learned State counsel has submitted that not only was the petitioner named in the FIR in question, rather he was an active participant as well; he along with co-accused inflicted injuries with sticks and *kada* (iron bangle) on the head of the mother and father of the complainant and the complainant himself. Learned State counsel has submitted that in the circumstances, more so when the petitioner has criminal antecedents and has also been identified by the complainant during trial, he does not deserve to be extended the concession of bail.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove, especially keeping in view the criminal antecedents of the petitioner, it is *prima facie* evident that the petitioner has misused the concession of bail, which was granted to him in the other criminal cases already pending against him, when he participated in the occurrence in question.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. At this stage, a prayer has been made by the learned counsel for the petitioner to direct the trial Court to expedite the trial.

10. In view of the prayer made, learned trial Court shall make earnest efforts to conclude the trial expeditiously.

August 27th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No