

223 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4943-2024

Decided on:-06.02.2024

Varinder Singh @ Varinder Kumar @ Sunny

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Thakur, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.10, dated 12.01.2023 registered under Sections 379-B (2), 34 IPC (Sections 411 and 473 IPC added later on), at Police Station Sahnewal, District Ludhiana. Relevant extract from the FIR is reproduced hereunder:-

"I am tailor by profession. On 11.01.2023 at about 8.15 p.m. I was going towards my shop from my home, when I reached near my shop in the meanwhile two boys were coming on a motorcycle, they were armed with Dah (Dattar). He gave a reverse blow of Dah upon my back and they snatched my mobile phone mark Vivo Y22 coloured sky blue in which my SIM No.6239902938 was activated and my wallet from my pocket in which my aadhar card, PAN card, one ATM card Rs.50/- and the RC of my motorcycle bearing No.PB-10-FM-1895 was lying.

Thereafter, they fled away from the spot on their motorcycle, the number of the motorcycle was PB-91-H-9523 coloured black. I raised alarm, but no one came forward to help me.”

2. Learned counsel for the petitioner submits that the petitioner along with his co-accused has been implicated for having snatched two mobile phones, wallet along with RC of the motorcycle of the complainant.

3. The prayer made on behalf of the petitioner has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, who has repeatedly involved himself in such kind of offences as on earlier occasion as well he was arrayed as an accused in FIR No165 dated 20.06.2021, under Sections 379-B, 379-B (2), 341, 34, 411 IPC, Police Station Division 6, Industrial Area, Ludhiana.

4. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

5. In the present case, the involvement of the petitioner is prima facie substantiated during investigation as Aadhaar Card of the complainant was recovered from him. Moreover, the petitioner has been involved in similar nature of offence, on an earlier occasion as well and regarding which, FIR No.165 dated 20.06.2021, under Sections 379-B, 379-B (2), 341, 34, 411 IPC, Police Station Division 6, Industrial Area, Ludhiana was registered against him and he is facing trial therein.

6. Thus, considering the antecedents of the petitioner, besides the nature of allegations, the manner in which the offence was committed, its impact and the maximum punishment prescribed for the offence under Section 379-B being of ten years, in the humble opinion of this Court, the

present is not a fit case to grant the concession of regular bail. Accordingly,

the present petition is dismissed.

06.02.2024
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(HARKESH MANUJA)
JUDGE

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