



274 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-28053-2024
Date of decision: 2nd July, 2024

Gurpinder Singh @ Ginder
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Verma, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
14	28.01.2024	Ghuman, District Batala	379B, 379 and 411 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was lodged on 28.01.2024 on the basis of statement recorded by complainant Kashmir Kaur alleging therein that on 27.01.2024 at about 1:30 PM, she was sitting in front of gate of her house, when two youths riding on a bike and having muffled faces reached there. One of them was holding a *datar* and by pointing the same on her head, they took off the gold earring worn by her in her left ear and when they tried to remove the second one, she raised alarm, on hearing which, her family members and neighbourers came outside and on seeing them, both of them fled away, though they were tried to be apprehended. She also alleged that she had come to know the names of those snatchers as Gurpinder Singh



@ Ginder i.e. the petitioner and Satnam Singh. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on the same day. The co-accused was also arrested. Investigation has since been completed. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Gurdaspur which was dismissed vide order dated 27.03.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There was delay of one day in lodging of the FIR which created a dent over the veracity of the allegations as levelled therein. The possibility that the name of the petitioner was taken after making due deliberations and confabulations can not be ruled out. There is no explanation as to how the complainant came to know the name and identity of the present petitioner if he was having muffled face. The trial is likely to take time. There are no chances of his absconding. His custodial interrogation is no more required. Therefore, it is argued that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that the petitioner had been named in the FIR itself and the delay had occurred as the complainant had been making probe qua the identity of the snatchers. No dent has been caused in the prosecution case due to this delay. The petitioner is a habitual offender and another case bearing FIR No. 45 dated 30.03.2023 has been registered against him under the provisions of NDPS Act. The allegations against the petitioner are serious in nature. The trial may be expedited. Therefore, it is argued that the petition does not deserve to be



allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have snatched gold earring worn by the complainant in her left ear on 27.01.2024 and is further alleged to have made attempt to snatch the gold earring worn by her in right ear as well. The statement of the complainant is yet to be recorded. The earring so snatched has been recovered from the custody of the petitioner. Investigation has since been completed. There is nothing on record to show that there would be any undue delay in conclusion of the trial. The allegations against the petitioner are serious in nature. Keeping in view the nature of the subject offence, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd July, 2024

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*