

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

I.		CRM-M-33986-2023 (O&M)
Jugraj Singh @ Joga		Petitioner
	Vs.	
State of Punjab		Respondent

II.		CRWP-869-2024
Jugraj Singh @ Joga		Petitioner
	Vs.	
State of Punjab & Others		Respondents

Reserved On.: 22.04.2024
Pronounced On: 30.04.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By: Mr. Ashutosh Gupta, Advocate for
Mr. Vinay Kumar, Advocate for
the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

This order shall dispose of two petitions, both filed by same petitioner Jugraj Singh @ Joga. In CRM-M-33986-2023 (O&M) filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.77 dated 09.10.2019 registered at Police Station Ghanie Ke Banger, District Batala under Sections 379-B, 341, 34 of the IPC (Sections 437, 411 of the IPC added later on). In CRWP-869-2024, petitioner prays for issuance of writ in the nature of mandamus to direct the official respondents to protect his life and liberty, who are threatening to implicate him in the aforesaid case FIR No.77 of 2019.

2.1 The status report filed by the respondent- State in CRM-M-33986-2023 (O&M) would reveal that FIR in question was lodged on the complaint of one Satpal, as per which, on 09.10.2019, after collecting ₹58,200/- from the shops of Fatehgarh Churian, he had boarded a bus for going to Batala. At about 03:15 p.m. as the bus reached at T-point of Village Dult, two youths made accusation that he (complainant) used to make telephonic calls to their girls and forcibly made him to descend from the bus, where two other youths were present on motorcycles. All of them made the complainant to sit on one of the motorcycle, which they stopped near some popular tree fields and one of those unknown persons, having kirpan, forcibly snatched ₹58,200/- from his bag besides his mobile phone make Red-mi and fled away. FIR was registered.

2.2 Later on, complainant made supplementary statement stating that few days back, he had gone to District and Sessions Court, Amritsar, where a person has been apprehended by the police and that he (complainant) identified that person to be one of the snatchers. He collected details of that person from the police and came to know that police party of Police Station Amritsar had arrested that person in case FIR No.148 dated 08.09.2015 registered at Police Station Sadar, Amritsar under Sections 379 & 411 of the IPC and that his name was Baldev Singh @ Satnam Singh, who he identified to be one of the snatchers. On the basis of this supplementary statement of complainant, co-accused Baldev Singh @ Satnam Singh was nominated as an accused in the present FIR No.77 of 2019 (supra). He was brought on production warrants, joined in investigation and arrested on 03.12.2019.

2.3 During interrogation, said Baldev Singh @ Satnam Singh

nominated petitioner Joga Singh to be one of the snatchers, stating that in August, 2019, he (Baldev Singh @ Satnam Singh) along with Joga Singh had stolen a motorcycle from Ranjit Avenue, Amritsar, which they were using with fake registration number plate and that said motorcycle was kept by Joga Singh. He also disclosed that on 09.10.2019, he (Baldev Singh @ Satnam Singh) along with Joga Singh and two other persons known to Joga Singh had committed the snatching from a person by showing sword and that money was divided in four parts, out of which ₹13,000/- had come to his share; whereas, remaining amount and mobile phone were taken away by Joga Singh.

2.4 Raid was conducted at the house of accused- petitioner Joga Singh but he could not apprehended. However, motorcycle number PB-18-P-3968 make Splendor, used in the crime, was recovered from the house of petitioner Jagraj Singh @ Joga. On investigation, said motorcycle was found to be stolen motorcycle. It was further found that original registration number of the said motorcycle was PB-02-CB-1475 and the same was registered in the name of Gurcharanjit Singh. Said owner identified the motorcycle on 16.12.2019 and told that the motorcycle had been stolen on 26.08.2019 from his son Arshdeep Singh, regarding which a complaint had been made in Police Station Ranjit Avenue, Amritsar. Copy of that application along with endorsement are Annexure R-1/T.

3. Vide order dated 24.07.2023, this Court asked the State counsel to produce FIR No.117 of 2019 registered at Police Station Ranjit Avenue, Amritsar under Section 379 of the IPC, as was referred in the status report. In the subsequent status report filed by way of an affidavit dated 15.11.2023 of

Shri Sarvanjit Singh PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, the copy of complaint made by Arshdeep Singh son of Gurcharanjit Singh regarding theft of his motorcycle number PB-02-CB-1475 along with FIR No.117 dated 25.08.2019 registered at Police Station Ranjit Avenue, Amritsar were placed on record. However, it was noticed that FIR No.117 of 2019 did not pertain to the motorcycle number PB-02-CB-1475 and rather, the same pertained to stealing of a purse of one Sandeep Kaur from her car. In the circumstances, respondent- State was directed to file better particulars by way of affidavit of Senior Superintendent of Police, District Batala.

4. Consequent to the aforesaid order, an affidavit dated 22.04.2024 of Shri Ashwini Gotyal, IPS, Senior Superintendent of Police, District Batala was placed on record, which revealed that though the complaint was made by Arshdeep Singh on 26.08.2019 regarding theft of his motorcycle No.PB-02-CB-1475 but the investigation related to that complaint was joined in the already registered FIR No.117 of 2019, as the occurrences in both the cases were similar. The separate FIR qua the theft of motorcycle number PB-02-CB-1475 was not registered, regarding which necessary proceedings were initiated against the officers. The latest report as submitted by Senior Superintendent of Police further revealed that after completion of investigation, final report under Section 173 Cr.P.C. qua co-accused Baldev Singh @ Satnam Singh has already been filed and that custodial interrogation of the petitioner is required so as to recover the remaining snatched amount and the mobile phone of the complainant Satpal.

5. Contention raised by learned counsel for the petitioner in CRM-M-33986-2023 seeking anticipatory bail is that petitioner has been falsely nominated on the basis of disclosure statement of co-accused Baldev Singh, which is not admissible in evidence; that name of the petitioner does not find mention in the FIR; that no Test Identification Parade was conducted; that petitioner is ready to join the investigation and so, he be allowed anticipatory bail.

6. In CRWP-869-2024, it is contended that police officials are bent upon to implicate the petitioner falsely in aforesaid case FIR No.77 of 2019 on account of disclosure statement of co-accused Baldev Singh @ Satpal Singh; that he be provided necessary protection, regarding which he had already filed a petition seeking anticipatory bail under Section 438 Cr.P.C.

7. Learned State counsel has opposed both the petitions. It is urged that alongwith co-accused Baldev @ Satpal, petitioner committed snatching from the complainant of the case i.e. Satpal by using a stolen motorcycle, on which he had affixed fake number plate and that motorcycle was recovered from the house of the petitioner; that Baldev was identified by the complainant of the case and name of the petitioner has surfaced in the disclosure statement of said Baldev and therefore, custodial interrogation of the petitioner is required to recover the snatched mobile of the complainant and the snatched amount. Learned State counsel further submits that CRWP-869-2024 has been filed by the petitioner so as to save himself from the possible prosecution in the present case.

8. I have considered submissions of both the sides and have perused

the record.

9. The sequence of events as have emerged from the status report filed by the respondent- State would indicate that motorcycle number PB-02-CB-1475 was stolen on 26.08.2019 from the area of Ranjit Avenue, Amritsar, regarding which Arshdeep Singh son of its owner Gurcharanjit Singh had made a complaint to the police. On that complaint, police proceedings were recorded to the effect that occurrence of the complaint matched with already registered FIR No.117 of 2019 under Section 379 of the IPC registered at Police Station Ranjit Avenue, Amritsar and so, investigation was conducted regarding theft of said motorcycle in that FIR.

10. Investigation revealed further that a fake registration plate bearing No.PB-18-P-3968 was affixed on the said stolen motorcycle and the same was used by the petitioner and co-accused Baldev @ Satnam, who along with two others, committed snatching of cash amount and mobile phone from the complainant of the case Satpal on 09.10.2019, regarding which the present FIR was lodged. Although the FIR was lodged against unknown persons but the complainant of the case identified Baldev as one of the snatcher in the Court compound, Amritsar and informed the police and based thereon, co-accused Baldev Singh was arrested on 03.12.2019, who nominated the petitioner. Efforts were made by the police to arrest the petitioner but he could not be found but at the same time, the motorcycle used in the crime was recovered from his house.

11. The aforesaid facts and circumstances are adequate enough, requiring custodial interrogation of the petitioner so as to take the investigation

further, to effect the recovery of the snatched mobile of the complainant besides the remaining cash amount. Considering the attribution to the petitioner and his role in the crime as surfaced during investigation, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner. As such, CRM-M-33986-2023 is hereby dismissed.

12. As far as CRWP-869-2024 is concerned, the same is misconceived, as it clearly appears to have been filed by the petitioner to save himself from his possible prosecution in case FIR No.77 of 2019 and so, the same is also hereby dismissed.

A photocopy of this order be placed on the connected case file.

(DEEPAK GUPTA)
JUDGE

April 30, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No