



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

233

CRM-M-42009-2024

Date of decision: 03.09.2024

HIMANSHU

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Sandeep Gahlawat, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.141 dated 30.11.2022 under Section 379-B of IPC, 1860 registered at Police Station Kotwali, Nabha, District Patiala.

2. The previous petition i.e. CRM-M-25112-2024 wherein similar relief had been sought was dismissed as withdrawn in the following terms as recently as on 24.05.2024:

“After arguing for some time, when this Court was not inclined to grant bail to the petitioner, a prayer was made by learned counsel for the petitioner for withdrawal of the instant petition at this stage.

Dismissed as withdrawn.”

On a pointed query put to the learned counsel as to what is the material change in circumstances which would warrant entertaining the present petition, he has been unable to bring any such material change in



the circumstances to the notice of this Court except qua the petitioner's custody which is now about 100 days more. Learned counsel has further submitted that even otherwise the petitioner has been falsely implicated in the present case and has been in custody since 30.11.2022. He was released on bail by the Trial Court vide order dated 13.03.2023. Thereafter, he was taken into custody in another case but was unable to join proceedings on account of his ill health. Learned counsel has submitted that although the charges were framed on 27.03.2024 however, till date the trial had not made much headway as none of the prosecution witnesses had been examined before the trial Court. A prayer has therefore been made for enlarging the petitioner on bail.

3. *Per contra* learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite while drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1 and which stands reproduced here-in-under:

"Stated that I am resident of above mentioned address, I am a Taxi driver by profession. Today, i.e. on 30.11.2022, I have come to Nabha from my village on my own motorcycle for some work and at about 10.00 A.M. I was sitting on the bench at Maharaja Hira Park at Nabha, in the meantime four unknown persons came there and they snatched my mobile phone Make Samsung, Model E-5, Sim No. 9592266355 was there in the said mobile and they ran away. I can identify them if brought before me. Then, I along with my friends Ranjit Singh S/o Sewa Singh, R/o Village Biradwal, Dharampal Singh @ Sammi S/o Balwinder Pal Singh, R/o Street No.04, Jattanwala Bass, Nabha kept on searching the unknown boys who snatched away my mobile



phone. At about 6.00 P.M., four unknown boys who snatched away my mobile phone came at the mobile shop of Arora situated at Duldi Gate Nabha for the purpose of unlocking of my mobile phone Make Samsung Model E-5; I identified them and with the help of my friends, namely, Ranjit Singh, Dharampal Singh @ Sammi stated above apprehended two boys out of the aforesaid four unknown persons, whereas, their two companions succeeded in running away from there. The two boys, who were apprehended disclosed their name as Harshit Mattu S/o Rajesh Kumar, R/o Neem Wala Behra, Balmiki Basti, Bouran Gate, Nabha and Himanshu S/o Sunil Kumar, R/o Street No.3, Balmiki Basti, Bouran Gate, Nabha; they also disclosed names of their companions who ran away as Sunny S/o not known, R/o Neem Wala Behra, Balmiki Basti, Bouran Gate, Nabha and Neena S/o not known, R/o Prem Nagar, Bouran Gate, Nabha. Then I along with my friends and the two boys; who were apprehended by us, kept on searching their other two companions who ran away from there but they were not found. Thereafter, I along with my friends and two above stated boys apprehended by us, namely, Harshit Mattu and Himanshu were going towards Police Station but you met us at Mehas Gate, Nabha. I have got recorded my above statement to you in the presence of my friends, namely, Ranjit Singh and Dharampal Singh @ Sammi. I have read over my statement and the same is correct. Legal action be taken against the two apprehended boys, namely, Harshit Mattu, Himanshu and their companions who ran away, namely, Sunny and Neena.”

Learned State counsel has submitted that soon after the crime in question, the petitioner was overpowered by the complainant himself and one of his friend's Ranjit Singh at the spot itself. Hence, there is no question of the petitioner being falsely implicated in the present case. It has also been submitted by the learned State counsel that no doubt the petitioner was extended the concession of bail by the trial Court subsequent



to his arrest on 30.11.2022 however, he had absented thereafter and leading to the delay in the conclusion of the trial. During the time when he absented, he was again involved in one other case of identical nature. Besides this, there is one more case registered against the petitioner under Section 52 A of the Prisons Act which clearly indicates that the petitioner is a habitual offender. It has been asserted that in case the petitioner is enlarged on bail, he could further delay the proceedings before the trial Court by absenting or even absconding. Learned State counsel has therefore submitted that in the aforementioned facts and circumstances, the petitioner be not extended the concession of bail as he himself is responsible for the delay in the conclusion of the trial.

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

5. A perusal of the FIR in question reveals that the petitioner was allegedly overpowered at the place of occurrence, after he allegedly snatched the mobile handset of the complainant. No doubt, he was indeed extended the concession of bail by the trial Court however, at the same time, this Court cannot turn a blind eye to his conduct after he was enlarged on bail as it is a matter of record that he not only absented during the course of trial but was again involved in another case of identical nature during the period, when he absented himself.

6. In the circumstances this Court concurs with the submissions made by the learned State Counsel that the petitioner himself is to be



blamed for the delay in the conclusion of the trial. It is also a matter of record that the petitioner is involved in one case under the Prisons Act. Keeping in view the conduct of the petitioner after he was enlarged on bail on 13.03.2023, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is dismissed. 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.

September 03, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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