

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-58722-2023 (O&M)
Date of Decision:-1.3.2024

Sukhchain Singh @ Chaina ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender Singh Dadwal, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
0066	25.2.2020	City Tarn Taran, District Tarn Taran	379-B, 342, 459, 506, 34 of Indian Penal Code, wherein offence under Section 379-B IPC was deleted and offences under Sections 395, 460, 325, 411 and 201 IPC were added later on.

GURVINDER SINGH GILL, J. (Oral)

1. This is the 6th petition filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Bakshish Singh, wherein it is alleged that he is resident of Dera Baba Jiwan Singh, Goindwal Sahib Road, Tarn Taran from the last 15 years and paying his service at ‘Dera’. It is alleged that he (complainant) along with Baldev Singh son of Joginder Singh was

doing the job as a gate keeper. It is alleged that at about 10.45 PM, one person knocked the gate of 'Dera' and represented him that they have already talked with Baba Mahinder Singh that their patient is serious and they want to admit him in the hospital and they wanted to meet Baba Jiwan Singh Ji. It is alleged that when the complainant opened the gate, then the said young person along with white coloured car accompanied by 3 young persons entered forcibly into the 'Dera' and stopped their vehicle near the room of Baba Ji. It is alleged that while one person was sitting in the car, the other three persons went inside the room of Baba Ji. The complainant had seen that one of the person was holding the arm of Baba Ji and pulled him in the room and he was given severe beatings by the aforesaid three persons. The complainant was also caused serious injuries. It is alleged that the aforesaid persons had stolen the offered money (*Chadawa*). It is further alleged that the accused after stealing his mobile phone, had fled away from the spot alongwith money.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present and that since the trial has not even commenced till date and some of the co-accused have been granted bail, the petitioner also deserves the similar concession on grounds of parity.
4. Opposing the petition, learned State counsel submitted that it is a case where recovery of huge amount to the tune of about Rs.1 crore was effected from the petitioner himself apart from the fact that some recoveries were also effected from the co-accused. Learned State counsel submitted that the petitioner is a seasoned criminal having been involved in about a dozen odd cases though he stands acquitted in some of them.

5. This Court has considered the rival submissions.
6. It is a specific case of the prosecution that the petitioner is involved in the present case of snatching/robbery. The allegations are *prima facie* substantiated from the fact that an amount of more than Rs.1 crore was recovered from the petitioner in respect of which no justifiable explanation is forthcoming. Apart from the aforestated factual position, this Court finds that the antecedents of the petitioner are also not above board and he has been involved in as many as a dozen odd cases though he stands acquitted in some of them. While the prosecution has not been able to examine the witnesses cited, but at the same time having regard to the enormity of the offence and the antecedents of the petitioner, this Court would have to balance out the societal interest as well and is of the opinion that it will not be safe to release the petitioner on bail. The instant petition, as such, is dismissed.
7. The Trial Court is, however, directed to take necessary steps for expeditious conclusion of the Trial. A schedule for summoning the witnesses be prepared in advance and notices/summons be issued and service of notices/summons be closely monitored.
8. The prosecution is also directed to ensure the presence of PWs on all the dates as may be fixed by the Trial Court for recording their statements.

1.3.2024
pankaj

(Gurvinder Singh Gill)
Judge

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