

2025:PHHC:039326



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14298-2025
DATE OF DECISION: 21.03.2025

SAURAV KUMAR ALIAS SAURAV

...PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Sekhon, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

This petition has been filed under Section 483 of BNSS for grant or regular bail in FIR no. 117 dated 14.06.2022 under Sections 392, 307 IPC registered at P.S. Tibba, District Ludhiana.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘Statement of Balkar Singh @ Kara, son of Ajmer Singh, resident of Village Sansrali Colony, Police Station Meharban, Ludhiana, aged approximately 33 years, Mobile Number 7837001424: stated that I am a resident of the aforementioned address and run a shop named "Raj Building Material" on

Tajpur Road. On 08.12.2021, at approximately 8:30 PM, after finishing my work, I was traveling to my home in Village Sansrali in my car, an Ertiga bearing registration number PB10GU-5720, via Bala Ji over bridge and Kakka Road. When I reached near the T-Point at Kakka at approximately 8:40 PM, a person standing in front signaled me to stop with his hand. Assuming that he wanted to ask for directions, I lowered my car window and asked him what the matter was. Suddenly, he put his arm around my neck and unlocked the car door. Meanwhile, four of his accomplices, who were hiding nearby, also came to my vehicle. The first person, who was standing on my side, struck me forcefully on my head with a sickle (Datarr) with the intent to kill me. The other individuals also started beating me. Believing me to be dead, they inflicted severe injuries on my head and hands, took away my OPPO mobile phone (IMEI No. 866208044089813 and 866208044089805) with a Jio SIM card (number 7837001424), and stole Rs. 50,000/- along with a bag that was inside my car. Due to excessive injuries and unconsciousness, my family members admitted me to CMC Hospital, Ludhiana, for treatment. Since I was unconscious, the police of Police Station Meharban recorded the statement of my brother Gurdeep Singh. However, my brother was unaware of how the incident had occurred. Later, my family admitted me to Arora Neuro Hospital, Ludhiana, for further treatment. Now that I have recovered, I have appeared in person to record my statement, which has been heard and found correct. Legal action should be taken against the unknown individuals’.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that he has been falsely implicated in the present case on the basis of confessional statement suffered by Gurdeep Singh. He further contends that there is

delay of 6 months and 6 days in registering the complaint on the basis of which present FIR came to be registered. It has been submitted on behalf of the petitioner that the complainant in the present case has expired, no useful purpose would be served by keeping the petitioner behind bars, wherein investigation is complete, nothing is to be recovered from the petitioner.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He vehemently opposes the prayer made in the instant petition stating that the allegations against the petitioner are serious in nature. Thus, he does not deserve the concession of regular bail at this stage.

4. Analysis & Conclusion

As per the case of the prosecution, the petitioner in furtherance of common intention of his co-accused, on dated 08.12.2021, in the area of T-Point, Ghagga Road, Ludhiana, committed theft of mobile phone make Oppo and bag containing Rs.50,000/- in cash belonging to complainant Balkar Singh and put the complainant and his companion into fear of instant death at the time of committing robbery, besides causing injuries on his person with such an intention. There are, thus, serious accusations against the petitioner. Death of complainant is not a ground to enlarge the petitioner on regular bail. Other material witnesses cited by the prosecution are yet to be examined. In view of the gravity of the offence and the severity of punishable, the applicant does not deserve benefit of bail. The plea of false implication of the petitioner, now raised, can only be

ascertained, at a later stage, when evidence is brought on record, during the course of trial. If petitioner is released on regular bail, he may try to win over the prosecution witnesses and there is every likelihood of hampering the investigation and tampering with the evidence. Possibility of his fleeing from justice, while out of jail, also cannot be ruled out. Keeping in view the entire facts and circumstances of this case, he does not deserve the concession of regular bail at this stage.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In view of the discussions made hereinabove, this Court does not deem it a fit case to enlarge the petitioner on regular bail at this stage. Hence, the present petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

21.03.2025
Sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>