

CRM-M-45745-2025

2025:PHHC:173299

215 (2nd case**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Sarabjit Singh alias Gora

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: December 11, 2025**Date of Uploading: December 11, 2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Himanshu Garg, Legal Aid Counsel for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.244 dated 01.11.2024, under Sections 309(3) & 3(5) of the BNS, 2023 and challan presented under Sections 309(3), 3(5), 238 & 309(6) of the BNS, 2023, registered at Police Station Sadar Amritsar, District Amritsar.

2. The gravamen of the allegations against the petitioner is that on 01.11.2024 at about 1:45 PM, complainant, namely, Harjit Kaur visited the Punjab National Bank ATM located at Batala Road, Vijay Nagar, Amritsar, where she withdrew ₹2,000/-. During this time, a young man entered the

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ATM booth, forcibly grabbed her, twisted her arm, and threatened to shoot her if she did not hand over her belongings. He then snatched her mobile phone, inside the cover of which she had placed the withdrawn ₹2,000/-. An additional ₹2,000/- was already kept inside the phone cover. The accused took out a total of ₹4,000/- from the cover and fled on a motorcycle with an accomplice who had been waiting outside. Before escaping, the assailant threw her mobile phone inside the ATM booth.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 09.11.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner was not named in the FIR in question, and he was, subsequently, arrested in another FIR bearing No.248 dated 08.11.2024 and it is only on the basis of his disclosure that the petitioner has been involved in this case, which is not admissible in law. Learned counsel has further iterated that the petitioner was identified after 09 days of the incident in question by the brother-in-law of the complainant, and such belated identification has little evidentiary value. Learned counsel has urged that investigation into the FIR in question is complete and nothing is to be recovered from the petitioner. Learned counsel has further urged that the petitioner has suffered incarceration for more than 01 year and no useful purpose would be served by keeping him behind bars further. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious

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allegations against the petitioner. While referring to the status report by way of an affidavit dated 08.10.2025, already on record, learned State counsel has submitted that there is an eye-witness account, i.e., Hari Singh (brother-in-law of the complainant), who has clearly identified the petitioner and his co-accused in respect to the offence in question committed by them. Learned State counsel has further submitted that there is also a CCTV footage available with the prosecution substantiating the guilt committed by the petitioner and his co-accused. Learned State counsel has argued that out of total 09 prosecution witnesses, 03 have been examined completely whereas, 01 has been examined in part and 03 have been given up till date. Learned State counsel has iterated that the petitioner is a habitual offender inasmuch as he is involved in multiple other FIR(s), and, in case, he is released on bail, there is all likelihood of him abscond the process of trial as also obstructing the process of trial. With these submissions, dismissal of the present petition is entreated for.

5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. A perusal of the case record indicates that on the date of the alleged incident, the petitioner, along with his co-accused, proceeded to an ATM where the complainant was already present. When the complainant had withdrawn some cash, the co-accused allegedly accosted her, forcibly grabbed and twisted her arm, and issued threats to shoot her in case she fails to comply with his demands and surrender her belongings. It is further alleged that the co-accused thereafter snatched the complainant's mobile

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phone, inside the cover of which she had placed the recently withdrawn sum of ₹2,000/-, along with an additional ₹2,000/- that was already kept therein. The co-accused purportedly removed a total amount of ₹4,000/- from the phone cover and fled the scene on a motorcycle being driven by the petitioner, who had been waiting outside the ATM.

The whole incident is stated to have been witnessed by one eye-witness, namely, Hari Singh (brother-in-law of the complainant)—as also recorded in a CCTV footage demonstrating seriousness of the offence committed by the petitioner and his co-accused. The allegations against the petitioner are grave in nature, involving threatening/ robbing off the complainant as well as creating fear in the mind of general public. Such conduct *prima facie* reflects a tendency for violence and constitutes a serious threat to public safety. Furthermore, out of total 9 prosecution witnesses, 03 are stated to have been examined completely, 01 in part and 03 have given up till date. A perusal of the custody certificate filed by the State counsel, in the Court today, reflects that the petitioner is a habitual offender inasmuch as there are multiple FIR(s) to his credit. Grant of bail at this stage carries a reasonable apprehension of the petitioner absconding as also obstructing the course of trial.

7. Keeping in view the factual *milieu* of the case in hand and upon perusal of the record; especially in view the factum of direct and serious allegations against the petitioner, out of total out of total 9 prosecution witnesses, 03 having been examined completely, 01 in part and 03 have given up till date, and further in view the antecedents of the petitioner as he

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is shown to be involved in other FIR(s); this Court is not inclined to grant concession of regular bail to the petitioner.

- 8. Petition stands dismissed, accordingly.
- 9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 11, 2025
mahavir

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