

CRM-M-17930-2020

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

CRM-M-17930-2020 (O&M)

Date of decision: 24.07.2020

Ajay

...Petitioner

Versus

UT Chandigarh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. SPS Chakkal, Advocate for the petitioner.

Mr. Ashu Mohan Punchhi, Addl. PP for UT Chandigarh.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Ajay, aged about 22 years, an accused in FIR No.40 dated 15.03.2020, for offences under Sections 356, 379-B and 34 IPC, registered with Police Station Sector-34, Chandigarh.

Briefly stated facts of the case as per prosecution story are that criminal machinery in this case was set into motion by complainant Guddu Shah, aged about 21 years son of Pati Ram Shah, resident of Burail, Chandigarh, who in his statement made to the police stated that he has been working as a mason in the tricity and residing in the rented accommodation at Burail, Chandigarh. On 15.03.2020, at about 11 PM, he along with his friend Kamlesh was taking a walk and

when they had reached near a grocery shop in the street next to their building at about 11.30 PM, four boys rushed towards them from the opposite side, surrounded them, pressed their necks with their arm and started beating them up, asking them to take out whatever valuables they were having, otherwise, they would be strangled by such assailants; two of the assailants pressed necks of complainant and Kamlesh, whereas two accomplices were beating them up and took out valuables in the form of mobile phones, important documents and currency notes. Thereafter, they left with the booty. Formal FIR was recorded; Ajay @ Babuganga, Sohail @ Chottu @ Billa, Nitain @ Tira and Rajaram @ Raja were arrested in this case. Complainant identified all four of them to be the assailants robbers. Four of them got the recoveries effected from their possession. On completion of investigation and other formalities, the challan against them has since been filed.

Petitioner/accused Ajay had filed a petition for grant of regular bail before Court of Sessions at Chandigarh, which was dismissed by Addl. Sessions Judge, Chandigarh, vide order dated 04.06.2020. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned Addl. PP for UT Chandigarh.

I have heard learned counsel for the parties besides going through the record.

The crime of snatching in the area is increasing at an

alarming rate. Normal people especially the women and children are afraid of going out of their houses especially in the evening and at late night hours. In the process of snatching valuables from the common people, the criminals cause harm to them physically also, especially when some resistance is offered. Some sort of fearpsychosis has started coming up in the minds of people. Such type of criminals are required to be dealt with firmly and they cannot be shown any leniency, lest the public should start losing faith in the criminal justice system. In the present case, in the FIR, though the assailants robbers are not named but the complainant had mentioned that he could identify them if they were brought before him and when such culprits were arrested, the complainant did identify them and such criminals had got the recovery of articles robbed from complainant and Kamlesh effected, which clearly goes to show their involvement in the incident. As per the custody certificate filed by Addl. PP for UT Chandigarh, petitioner/accused is involved in two other criminal cases of almost same nature having particulars, FIR No.61 dated 09.04.2020, under Sections 380, 457, 411, 34 IPC and FIR No.329 dated 02.09.2017, under Sections 380 and 411 IPC, registered with Police Station Sector 34 Chandigarh. That means he is a habitual offender. If granted the concession of bail, there is every likelihood of his trying to tamper with the prosecution evidence by giving threat or inducement to the prosecution witnesses or even to abscond to delay the trial. Furthermore, there is every probability of his taking to path of crime

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again, resulting in increase in the crime graph in the area. The challan against the accused has been filed; his guilt shall be determined during the trial. Under the circumstances, there is no ground to grant regular bail to the petitioner. His request in that regard is without any merit and as such, the present petition stands dismissed.

24.07.2020

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**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No



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