

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

CRM-M-37181-2020(O&M)

Date of decision : 11.11.2020

Satish Kumar

... Petitioner(s)

Versus

State of U.T. Chandigarh

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. O.P. Kamboj, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi, PP for U.T. Chandigarh.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.179 dated 01.10.2020 under Sections 379-A, 356, 34 of Indian Penal Code, 1860 (Section 411 IPC was added later on) registered at Police Station Mauli Jagran, U.T. Chandigarh.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case and that he is a man of means and is earning a handsome income. He has further contended that there was a dispute between his nephew and the complainant at Dappar Toll Plaza near Chandigarh and that he had gone there to raise a protest.

Notice of motion.

On the asking of the Court, Mr. Ashu Mohan Punchhi, PP for U.T. Chandigarh, who has joined the session through video conferencing, accepts notice and, on instructions from ASI Baljeet Singh, contended that

out of the three accused in the present case, two accused have been arrested and on the basis of their disclosure statements, the photocopy of the Driving License of the complainant as well as cash of Rs.1220/- have been recovered. He has further contended that the motor-cycle which was used in the alleged crime is registered in the name of the petitioner, which is yet to be recovered. He has further relied upon the order passed by this Court in CRM-M-17930-2020 titled as “Ajay V/s State of U.T. Chandigarh” decided on 24.07.2020 to contend that the incidence of snatchings are on the rise in U.T. Chandigarh making it very unsafe for the residents to even step out of their houses.

The learned counsel for the petitioner is not in a position to deny the fact that the petitioner was present at the place of occurrence and that the motorcycle bearing registration No.PB-70F-2122 is registered in his name. He has, however, contended that he was only there to raise a protest.

The argument raised by learned counsel for the petitioner that he was there to protest regarding the fight of complainant with his nephew is neither here nor there inasmuch as the question of an individual going to protest regarding a fight between two people is absolutely not understandable or probable. Be that as it may, the fact remains that the motorcycle allegedly involved in the crime belongs to the petitioner and also the fact that counsel for the petitioner is not in a position to deny the presence of the petitioner at the place of the occurrence. That being so, I do not deem this to be a fit case for grant of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11.11.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO