

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

CRM-M-39420-2020 (O&M)
Date of Decision:-9.12.2020

Rajat ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Verma, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.265 dated 15.10.2020 at Police Station A. Division, District Amritsar, Punjab under Sections 379-B and 34 of Indian Penal Code.
2. The FIR was registered at the instance of Pooja, wherein it is alleged that on the day of occurrence i.e. on 15.10.2020 while she was waiting for an auto rickshaw to go home, then two persons came on a black coloured motorcycle and snatched 'Oppo' mobile phone from her right hand. It is alleged that the complainant raised hue and cry and the snatchers were chased and during which process the motorcycle of snatchers slipped and one of the person

namely Rajan Kumar @ Raja was apprehended at the spot and the snatched mobile phone was recovered from him. The petitioner is, however, alleged to have escaped but his name was immediately disclosed by Rajan @ Raja to be Rajat (petitioner).

3. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that in any case neither any recovery was effected from him nor he was arrested at the spot and has simply been nominated on the ground that co-accused allegedly named the petitioner as his accomplice.
4. Opposing the petition, the learned State counsel has submitted that since the name of the petitioner is figures in the FIR itself as his name had been disclosed by the co-accused, who was apprehended at the spot, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last 1 month and 19 days and that he is not involved in any other case.
5. Having regard to the aforestated position wherein this Court finds that the petitioner was never arrested at the spot and has been nominated pursuant to information furnished by co-accused and while also keeping in view the fact that the petitioner is not stated to be involved in any other case, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No