

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

CRM-M-20947-2021 (O&M)
Date of Decision:-15.9.2021

Gurpinder Singh @ Bona

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karamjit Verma, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Balvir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.47 dated 24.4.2021 at Police Station Shimlapuri, District Ludhiana under Section 379-B(2) of Indian Penal Code.
2. At the time of issuance of notice of motion on 26.5.2021, the following order was passed:

“Learned counsel for the petitioner contends that as per the FIR the police claims to have received secret information against the petitioner to the effect that he frequently indulges in snatching valuables. Learned counsel further submits that after about 4 days

of lodging of the FIR, the police claims to have recorded the statement of one Harpreet Singh, who has stated that an amount of Rs.1.05 lakhs and one mobile phone was snatched from him by 3 persons and that one of them was being referred to as Gurbinder Singh @ Bona.

Learned counsel for the petitioner contends that it remains unexplained as to why the aforesaid Harpreet Singh never made any complaint to the police though a huge amount of ₹1.05 lakhs had been snatched from him and that as to why his statement under Section 161 Cr.P.C. has been recorded after about 4 days of the alleged occurrence.

Notice of motion for 15.9.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Balvir Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation. It has also been informed that the petitioner stands involved in 5 other cases registered under NDPS Act.
4. I have considered rival submissions addressed before this Court.
5. In the instant case, the sequence of events as recorded in order dated 26.5.2021 would rather create some kind of doubt in the story of prosecution inasmuch as Harpreet Singh, who is alleged to have been robbed off an amount of Rs.1.05 lakhs and a mobile phone, reported the matter to the police after about 4 days of lodging of the FIR against the petitioner, wherein

he stated that one of the 3 persons, who robbed him, was being referred to as Gurbinder Singh @ Bona. The details with which the name of the accused alongwith his short name has been mentioned does create some kind of a doubt as the co-accused while talking to each other would not take both full name and short name at the same time. In any case, since the petitioner is stated to have joined investigation and his custodial interrogation is not stated to be required, the petition is accepted and the interim directions issued by this Court vide order dated 26.5.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

15.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No