

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

202

CRM-M-33184-2020 (O&M)

Date of Decision: 03.03.2021

Kedar Singh @ Kedar @ Kinder Singh @ Kinda ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Ramesh Chander.

(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 against him vide FIR No.211 dated 25.08.2020 at Police Station Kotwali Kapurthala, District Kapurthala, under Sections 379-B/411 IPC.
2. As per the case of the prosecution, on 25.08.2020, a secret information was received to the effect that on 14.08.2020, Jaswant Singh @ Sagar and Kinder Singh (petitioner) had snatched mobile phone from Markash Singh and that on the said day i.e. 25.08.2020, Jaswant Singh and Gurmail Singh @ Major were roaming on motor-cycle in order to sell the mobile phone to someone. It is further the case of the prosecution that pursuant to receipt of said information, barricading was held and a motor-cycle on which two persons were riding was signalled to stop. Although

the driver of the motor-cycle tried to speed away, but they were apprehended by the police. The driver of the motor-cycle disclosed his name as Jaswant Singh @ Sagar and the pillion rider disclosed his name as Gurmail Singh @ Suri @ Major. Upon their search, the mobile phone in question was recovered from the pocket of the *Capri* worn by Gurmail Singh. The complainant was called to the spot, who identified his mobile phone and also accused Jaswant Singh.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in any case since the recovery already stands effected and the petitioner has joined investigation, he deserves the concession of anticipatory bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. He has, however, informed that the petitioner pursuant to interim directions issued by this Court has since joined investigation and that the petitioner happens to be involved in 3 other cases registered under NDPS Act.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations, wherein one mobile phone is stated to have been snatched by the accused, which already stands recovered and while noticing the fact that the petitioner has since joined the investigation and his custodial interrogation is not required, the petition, as such, is accepted and the interim directions issued by this Court vide order dated 16.10.2020 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.

03.03.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**