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

CRM-M-38709-2021

Date of decision : 17.09.2021

Lovepreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Piyush Sharma, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.34 dated 08.06.2021 registered under Sections 379-B/34 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Arif Ke, District Ferozepur.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not apprehended at the spot and he is sought to be implicated on the basis of statement made by the co-accused and thus, deserves the concession of anticipatory bail.

This Court has heard learned counsel for the petitioner.

As per the prosecution version, the statement of the complainant-Harbhajan Singh was recorded on 08.06.2021, in which he had

stated that at about 10:00 AM, he had gone to Gurudwara Sahib at Vajidpur Sahib and when he was returning on his motorcycle, then at around 01:30 PM, three young persons with cut hair, came on a motorcycle and they had put the complainant under fear by showing some gun like thing and had torn the pocket of the shirt of the complainant and ran away after snatching his purse and had taken away cash amounting to Rs.4,000/-, Aadhaar card and driving licence of the complainant.

In a case registered under Section 379-B of the IPC, the complainant did not personally know the accused and thus, normally no person would be named in the FIR. It is only subsequently, on investigation, that the persons, who would have committed the crime, can be either apprehended or their details could be learnt. In the present case, as per the prosecution version, it is on the basis of disclosure statement of co-accused namely Gurnam Singh, from whom the substantial recovery had been made, that the present petitioner was named. Nothing has been shown to this Court by the learned counsel for the petitioner as to why the petitioner would be falsely implicated either by the police or by the said co-accused. In fact, the petitioner is involved in another case of similar nature which was registered in the year 2020 i.e. FIR No.6 dated 06.02.2020 under Sections 457, 380 and 427 of the IPC, Police Station Mallanwala, District Ferozepur. There is no dispute about the proposition of law that solely on the basis of the disclosure statement, a person cannot be convicted. However, the present case is of anticipatory bail and in the offence under Section 379-B of the IPC, even as per the complainant version, there were three persons who had committed the alleged act and one of the person had named the present

petitioner and the petitioner is also involved in another case of a similar type and his custodial interrogation would be necessary. Offence under Section 379-B of the IPC is serious in nature and the same are on the rise. Thus, this Court finds that the present petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

17.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No