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

**CRM-M-798-2021 (O&M)
Date of Decision: 14.01.2021**

AJAY KUMAR @ BHAYA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Saurabh Arora, Advocate
for the petitioner.

Ms. Monica Jalota, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.132 dated 05.11.2019, registered under Section 379-B IPC at Police Station Mukerian, District Hoshiarpur. Earlier CRM-M No.16945 of 2020 was got dismissed as withdrawn on 30.07.2020.

As per allegations the complainant Balwinder Singh went to Delhi on 03.11.2019 for purchasing some articles. Since there was less profit in the articles, therefore, he returned back

without any purchase. The complainant was travelling in a train from Delhi to Mukerian. He had to take orders for some cosmetic items, therefore, he took route via Gurdaspur. At about 5.00 A.M., the complainant alighted from the train at Railway Station, Mukerian and was going on foot from Mukerian Railway Station to Mukerian market. When he reached near Jama Agency railway road, then two youths with definite physique and nomenclature came towards him and made him to fall on the ground and thereafter threw him in the bushes and snatched away his bag containing an amount of Rs.5 lakhs, mobile phone having sim card, one bed-sheet, T-shirt and some cosmetic items. The complainant kept on searching the accused of his own and ultimately lodged the FIR on 05.11.2019.

Learned counsel for the petitioner submitted that after lodging of FIR on 05.11.2019, the complainant made a supplementary statement on 12.11.2019 on the basis of CCTV, identifying two original youths as Karan and Shiv Kumar. Complainant further submitted that the aforesaid persons were already known to him. He also named Vishal Sharma on the ground that all the three were known to the petitioner, who is his business partner. He further asserted that the petitioner also went along with him to Delhi for purchasing material and the petitioner was in the knowledge of everything. Petitioner mixed

up some intoxicant in his tea and took away the amount on 05.11.2019 after boarding the train in continuation of his conspiracy with the accused persons.

Learned counsel further submitted that if Karan Kumar and Shiv Kumar were already known to the complainant, then there was no occasion for the complainant not to disclose their names in the FIR itself. The complainant waited for recording of his supplementary statement on 12.11.2019 and thereafter on the basis of CCTV coverage, he allegedly identified the co-accused namely Shiv Kumar @ Shiv and Karan Kumar. In the story of connivance, the complainant has stated the date of boarding of train to be 05.11.2019 which runs counter to the allegations in the FIR.

Learned counsel further submitted that Vishal Sharma has already been granted interim anticipatory bail vide order dated 27.02.2020 passed in CRM-M No.8504 of 2020. Co-accused Shiv Kumar @ Shiv and Karan Kumar have also been granted regular bail by this Court vide common order dated 10.12.2020 passed in CRM-M No.34744 of 2020 and CRM-M No.37471 of 2020 respectively.

Per contra, learned State counsel opposed the bail on the ground that the petitioner along with co-accused was involved in heinous offence. An amount of Rs.4,80,000/- has been recovered from Shiv Kumar @ Shiv and Karan Kumar.

In view of the aforesaid facts and keeping in view the parity in the allegations qua the petitioner viz-a-viz. the persons already granted bail, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 14, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No