

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

203

**CRM-M-48778-2021
Decided on : 25.11.2021**

Navjot Singh @ Joban

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No. 134 dated 21.08.2021 under Section 379-B(2) IPC, 1860 registered at Police Station Dehlon, District Police Commisionerate Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, as per the FIR, there were two persons who had committed the offence of snatching and had even beaten up the complainant-Jagjit Singh. It is argued that the petitioner was not named in the FIR and it is only during the interrogation of co-accused Pawan Kumar, who was arrested in another case bearing FIR No. 125 dated 09.09.2021 and when he was interrogated in the said FIR, it came out that said Pawan Kumar is also involved in the present case and the weapon used in the commission of the alleged offence was recovered from the said Pawan

Kumar. Learned counsel for the petitioner has referred to the statement of Pawan Kumar dated 25.09.2021 as per which the said Pawan Kumar had stated that it was him and one Mintu S/o Singhisar, who had beaten up the complainant and had taken away his mobile phone and wallet/purse from his person and the mobile phone was allegedly snatched by Mintu and the wallet/purse was taken by the said Pawan Kumar. It is submitted that thus, as per the said version, the petitioner has not inflicted any injury upon the complainant nor had committed snatching/theft from him. It is argued that the petitioner has been implicated in the case on account of the fact that his motorcycle was used by the said two co-accused persons. It is also submitted that the petitioner is not involved in any other case and that the petitioner has been in custody since 09.10.2021 and challan has already been presented in the case and there are as many as 13 witnesses, none of whom have been examined and thus, the trial is likely to take time, moreso, in view of the present pandemic situation.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has referred to the confessional statement dated 12.10.2021 of the petitioner himself wherein, the petitioner has stated that he had left co-accused Mintu at village Daburji and had himself gone to the place of occurrence and had given beatings to the injured Varinder Saini @ Bablu and had snatched his mobile and wallet/purse and handed over the mobile to co-accused Mintu and kept the wallet/purse with himself. The other aspect with respect to the

custody of the petitioner has not been disputed by the learned State counsel. He has further submitted that as per the test identification parade, the petitioner has been identified.

This Court has heard learned counsel for the parties and has perused the paperbook.

A perusal of the FIR would show that there were two persons who had caused injuries to the injured Varinder Saini and had committed the offence of snatching/theft. It is on the basis of the interrogation of co-accused Pawan Kumar that the weapon has been recovered from him. There seems to be some contradiction in the statement of Pawan Kumar dated 25.09.2021 and that of the petitioner dated 12.10.2021. Although, the said issue would be considered at the time of trial but there are certain facts which the Court at the present stage could consider in order to adjudicate upon the present bail petition. The said facts are enumerated herewith:

- that the statement of Pawan Kumar dated 25.09.2021 is in consonance with the version given in the FIR and also the version that it was Pawan Kumar on whose interrogation the recovery has been made is in consonance with the FIR.
- Even the fact that the aforesaid statement of Pawan Kumar is dated 25.09.2021 and is prior to the recording of the confessional statement dated 12.10.2021 of the petitioner is also a point in favour of the petitioner.
- In confessional statement of the petitioner dated 12.10.2021, reference has been made to one person having attacked the

complainant, which is not the version as per the FIR.

- The weapon has also been recovered from co-accused Pawan Kumar and not the petitioner.

At any rate, the aforementioned aspects will be dealt with in detail during the course of trial and this Court does not wish to give any final opinion lest it may prejudice the case of the present petitioner or the prosecution.

Keeping in view the abovesaid facts and also the fact that the petitioner has been in custody since 09.10.2021 and challan has been presented in this case and there are 13 witnesses out of which none have been examined and also, the fact that the petitioner is not involved in any other case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final 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.

(VIKAS BAHL)
JUDGE

25th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No