

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

CRM-M No.49151 of 2021 (O&M)

Date of decision: 24.11.2021

Mohd. Rehman @ Abdul Rehman

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.85 dated 30.07.2021 registered under Sections 379-B/34 IPC (Section 120-B IPC added later) at Police Station Ahmedgarh, District Sangrur.

Counsel for the petitioner contends that the FIR was registered after 42 days of the date of incident as it is stated by the complainant that in the intervening period, he himself was trying to locate the accused person. It is further submitted that the petitioner is a young man aged about 19 years and he has been nominated in the case on the basis of the disclosure statement of his co-accused, who is the real brother of the petitioner. It is also argued that the petitioner, in fact, is involved in 01 more FIR of similar nature in the same month with the similar allegation that some unknown person has committed the offence of snatching the mobile phone and the petitioner is nominated in that case also.

Counsel for the State has submitted that the recovery of the mobile phone was effected from the co-accused Mohd. Imran, who is the real brother of the petitioner and he has made a disclosure statement that the mobile phone was provided by the petitioner.

Considering the fact that the FIR was registered after 42 days of the incident and the petitioner was not nominated in the FIR and his name surfaced in the case on the basis of the disclosure statement of the co-accused, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioner, to join the investigation, if need be.

(ARVIND SINGH SANGWAN)
JUDGE

24.11.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No