

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

Date of decision: 5th April, 2022

(1) CRM-M-7597 of 2022 (O&M)

Kristan Saggu

Petitioner

Versus

State of Punjab

Respondent

(2) CRM-M-9464 of 2022 (O&M)

Rahul Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. C. S. Rana, Advocate for the petitioners.
Mr. K. S. Sidhu, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

These two petitions are filed seeking regular bail in FIR No. 251 dated 2.6.2021, under Section 379-B(2), 34, 325, 411 IPC, registered at Police Station Division No. 5, Ludhiana.

The FIR was registered by Narinder Singh alleging that on 1.6.2021, four young persons with muffled faces attacked him with iron rod and dandas and injuries were inflicted on the head. Two mobile phones were snatched as also purse containing ID card, Aadhaar Card, PAN Card, Railway Pass and two smart cards of Delhi Metro. The petitioners were nominated on the basis of a statement of co-accused Rahul Bangali. Petitioner-Rahul Kumar was in custody in another FIR No. 94 dated 7.7.2021 and his mother was found possessing one of the snatched mobile.

Learned counsel for the petitioners seeks permission to withdraw the present petition filed on behalf of Rahul Kumar (petitioner) at this stage.

CRM-M-9464 of 2022 is dismissed as withdrawn.

Learned counsel for petitioner-Kristan Saggu submits that the petitioner was nominated on the basis of a disclosure statement, no recovery was effected, it is a case of false implication due to his involvement in another FIR under Section 379-B IPC. It is contended that the petitioner is in custody since 5.10.2021 and investigation is complete.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner is involved in another FIR.

The name of the petitioner surfaced in a disclosure statement. No recovery was made from the petitioner. The evidentiary value for the basis of nomination of the petitioner in FIR would be a debatable question. Considering that though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

CRM-M-7597 of 2022 is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

5th April, 2022
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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |