

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

CRM-M-19345-2022

Date of Decision:-13.05.2022

Aniket Kumar.

.....**Petitioner.**

Versus

State of Punjab.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ravi Malhotra, Advocate for the Petitioner.

Mr. Kirat Singh Sindhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.182 dated 6.9.2021 under Sections 323, 379-B, 34 IPC registered at Police Station Jamalpur, District Ludhiana.

The brief facts of the case are that the FIR came to be registered at the instance of Suman Kumar Singh who has stated that he runs an RMP Clinic at New Madho Puri, Ludhiana. On 05.09.2021 he and his nephews Vishesh Kumar and Krishan Kumar were coming back home on their respective motor cycles. At about 3.00 am when they reached ahead of Jamalpur Chowk in front of BBMB Power House, Chandigarh road, three young boys on a motor cycle came behind them and stopped their motor cycle in front of the motor cycle of his nephew. One of the boys started giving *Datar* blows to his nephew Vishesh Kumar as he alighted from

motor cycle causing injuries to him. On his calling for help the three accused snatched two mobile phones of his nephew and tried to escape on their motor cycle. However, their motor cycle slipped and they fell down. One of the boys received injuries from the *Datar* held in his hand and who was apprehended at the spot. Whereas two boys ran away on the motor cycle. The apprehended boy disclosed his name as Aniket Kumar (the present petitioner) and the other two boys were said to be Lucky and Joshi. Based on the aforementioned complaint the FIR came to be registered.

The Counsel for the petitioner contends that a road rage matter has been converted into a snatching incident. The allegation of the petitioner having given a *Datar* blow on the back of the nephew of the complainant Vishesh Kumar is incorrect. He contends that the petitioner is in custody since 06.09.2021 and the challan already stands submitted and, therefore, he prays for grant of regular bail.

The Counsel for the State on the other hand submits that it is serious offence. The petitioner was apprehended at the spot after having injured Vishesh Kumar and snatched two mobile phones.

I have heard counsel for both the sides.

The petitioner is a 19 years old boy with clean antecedents. The petitioner himself has suffered injuries in the occurrence. It would be a matter of adjudication during the trial as to which of the versions i.e. the prosecution case or the defence version are correct.

The challan already stands submitted and the prosecution has to examine 10 Pws, none of whom have been examined till date. Therefore, the trial is not likely to be concluded in the near future.

Keeping in view the aforesaid facts and the period of custody

undergone by the petitioner, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Aniket Kumar** son of Sh. Sanjeev Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 13, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>