

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211)

CRM-M-20318-2022

Date of decision: - 18.05.2022

Manoj Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sahil Gupta, Advocate
for Mr. Jitender K. Sehrawat, Advocate, for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.351 dated 29.12.2021, registered under Sections 379-B and 411 IPC (Section 392 IPC has been added later on), at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and has been implicated on the basis of the disclosure statement made by co-accused Adit @ Giri @ Adit Kumar and even as per the said disclosure statement, it was the said co-accused, namely, Adit @ Giri @ Adit Kumar and Mota, who had snatched the purse of the complainant and the role attributed to the petitioner was that he was on the motorcycle on which two other co-accused came at the time of incident and fled from the alleged place of occurrence. It is submitted that the petitioner has been in custody since 01.03.2022 and the challan has been presented and there are 13

prosecution witnesses, none of whom have been examined and that the money which was snatched from the complainant is stated to be Rs.11,700/-, out of which, Rs.3,000/- has already been recovered from co-accused Adit @ Giri @ Adit Kumar. It is further submitted that as per the case of the prosecution, Rs.4,000/- came into the share of the petitioner and the petitioner without admitting his liability, is ready to pay an amount of Rs.5,000/- to the complainant. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel has opposed the present petition for the grant of regular bail and has submitted that the name of the petitioner has been specifically mentioned by co-accused Adit @ Giri @ Adit Kumar and it was the petitioner who, along with two other co-accused, played an active role in the incident in question.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner is not named in the FIR. The name of the petitioner surfaces for the first time mentioned in the disclosure statement of co-accused Adit @ Giri @ Adit Kumar and even as per the said disclosure statement, it was co-accused Adit @ Giri @ Adit Kumar and Mota, who had snatched the purse of the complainant and it was co-accused Mota, who was armed with '*datar*'. The petitioner was on the motorcycle on which other two co-accused came and fled away from the spot. The motorcycle has already been recovered from the petitioner. The petitioner is stated to be in custody since 01.03.2022 and the challan has already been presented and there are 13 prosecution witnesses, none of

whom have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. As per the case of the prosecution, an amount of Rs.4,000/- came into the share of the petitioner and the petitioner is ready to pay Rs.5,000/- to the complainant, without admission of his liability

Keeping in view the above-said facts and circumstances, 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 him not being required in any other case and also subject to the petitioner depositing an amount of Rs.5,000/- within a period of one month from today before the trial Court and the trial Court is directed to release the said amount of Rs.5,000/- to the complainant/Bihara Singh.

It is made clear that in case the above-said amount is not deposited by the petitioner within the aforesaid period, the present petition would be deemed to have been dismissed.

It is also made clear that the deposit of the said amount would not be construed as an admission of guilt of the petitioner.

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 petition.

May 18, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No