

(211) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21618-2022
Date of Decision: 30.08.2022

HANISH @ ANISH @ HANIS

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arihant Jain, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.039 dated 05.04.2022 registered under Sections 379-B, 34 IPC with Police Station City Ahmedgarh, District Malerkotla.

2. The brief facts of the case are that one Jagjiwan Singh son of Naib Singh got recorded his statement to the effect that on 05.04.2022 at about 09.30 AM, he had gone to the Gaushala Fields for watering the fodder. While coming on his cycle and on a video call with his wife at about 3/3.30 PM, from behind him one Ravi @ Spring @ Ganja son of Kala along with Hanish @ Anish @ Hanis son of Chinda (the present petitioner) and Shiv son of Ashoki came on a motorcycle bearing PB-13-W-8753. The said motorcycle was being driven by Ravi and Hanish @ Anish @ Hanis (the present petitioner) snatched his mobile phone and tried to speed away. However, their motorcycle skidded and they fell down. He caught Ravi @ Spring @ Ganja.

However, his accomplice Hanish @ Anish @ Hanis and Shiv ran away from the spot. Ravi received injuries in the occurrence. His brother-in-law Raj Pal came to the spot and is also an eye-witness to the occurrence. Ravi @ Spring @ Ganja disclosed the names of the petitioner and Shiv. Based on the above allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. Nothing is to be recovered from the petitioner and his custodial interrogation is not required. He is a young boy and his career would be ruined in case he is taken into custody. Therefore, he seeks the concession of anticipatory bail.

4. On the other hand, the learned State counsel has filed reply dated 22.08.2022 on behalf of the respondent-State by way of an affidavit of Rajan Sharma, PPS, Deputy Superintendent of Police, Sub Division Ahmedgarh, and the same is taken on record. He contends that the co-accused of the petitioner was arrested when the motorcycle had skidded and the said motorcycle got damaged. The co-accused Ravi @ Spring @ Ganja disclosed that they were all drug addicts and therefore, the present occurrence was given effect to. Pursuance to his disclosure statement, he also got recovered a mobile phone Make Vivo. It is also contended that the petitioner is named in the FIR and a specific role has been attributed to him and merely because he is a young boy without criminal antecedents does not entitle him to the grant of anticipatory bail once the offence is clearly and specifically established against him.

5. I have heard the learned counsel for the parties at length.

6. Apparently, the petitioner is named in the FIR as having been pillion riding on the motorcycle of which Ravi @ Spring @ Ganja was the driver. The petitioner is said to have snatched a Redmi mobile phone from the complainant which has to be recovered. Therefore, in such a situation, the custodial interrogation of the petitioner is certainly necessary. By no stretch of imagination can it be stated, at least at this stage, that the petitioner has been falsely implicated.

7. In view of the facts and circumstances of the present case, coupled with the gravity of the offence as also the fact that the recovery of a mobile phone is to be effected from the petitioner, the custodial interrogation of the petitioner is certainly necessary to take the investigation to its logical conclusion..

8. Therefore, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

30.08.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No