

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

CRM-M-23190-2022

Date of Decision: 25th August, 2022

Rahul Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.P.Kaushal, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

This third petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.251 dated 2.6.2021 under Sections 379-B(2), 34, 325, 411 IPC, 1860 registered at Police Station Division No.-5, Ludhiana.

Earlier two petitions filed by the petitioner for grant of regular bail were dismissed as withdrawn.

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 his head. Two mobile phones and a purse containing ID card, Aadhaar Card, PAN Card, Railway Pass and two smart cards of Delhi Metro were snatched. The petitioner was nominated in the FIR as the snatched mobile was being used by the mother of the petitioner.

Learned counsel for the petitioner submits that the petitioner

was purchaser of the mobile phone. He submits that with the challan, the statement of co-accused-Rahul Bangali is attached wherein it is stated that he had sold the snatched mobile to the petitioner for Rs. 5000/-.

Learned counsel for the petitioner further submits that the petitioner is in custody since 5.10.2021 and no recovery is to be made from him.

Learned State counsel opposes the prayer and on instructions from SI Tejinder Singh submits that the petitioner is involved in one more FIR and the snatched mobile was recovered from the house of the petitioner.

Without commenting on the merits of the case and considering the nature of the allegation against the petitioner, as per the case set up, the petitioner played no active role in snatching incident, the petitioner is in custody since 5.10.2021, 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.

The petition is allowed.

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

[AVNEESH JHINGAN]
JUDGE

25th August, 2022
anuradha

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No