

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-27796-2022

Date of decision:06.07.2022

ANGREJ SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Neeraj Yadav, Advocate for the petitioners.

Mr. H.S. Sitta, A.A.G. Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Cr.P.C., where through, the present bail petitioner seeks indulgence of regular bail being accorded to him.

2. FIR No.0067 of 09.03.2022, constitutes therein an offence under Section 379-B(2) of the IPC, and, is lodged at Police Station Civil Lines, District Police Commissionerate Amritsar, therein the commission of the incriminatory offence, is attributed to the bail petitioner.

3. The petitioner along with two other co-accused, and, with each sharing a common *mens-rea*, allegedly employed strong arm tactics to extort from the person of the victim-complainant, a sum of Rs.20,000/-, and, also are alleged to snatch his Aadhar Card, Voter I.D. Card, ATM Card, PAN Card. Each of the co-accused concerned, are also alleged to snatch the keys of the Activa owned by the complainant. After the commission of the petition crime, they are alleged to flee therefrom on a motorcycle.

4. The learned counsel appearing for the petitioner argues with much vigor before this Court, that since it becomes narrated in the FIR that, the accused had muffled their faces, and, obviously hence, when neither their key

facial characteristic(s) features were discernible nor when in respect thereof any descriptions could be made in the FIR, and, nor when in any valid test identification parade, if it became conducted, at the instance of the investigating officer concerned, it was possible to ensure the fixing of the identity of the accused rather by the complainant. Therefore, he contends that the prosecution has completely failed to establish the participation of the present bail petitioner in the petition crime.

5. However, the learned State counsel, has drawn the attention of this Court, to the signed disclosure statement of the petitioner, rather carrying narrations with respect to the incriminatory participation of the present bail petitioner in the petition crime. He has read the disclosure statement, and, it appears that therein, the present bail petitioner, had admitted the commission of the petition crime, and, had also admitted that he took from amongst the looted sum of Rs.20,000/-, receiving a sum of Rs.7,000/-, and, his spending it. Moreover, the signed inculpatory statement made by the present bail petitioner, before the investigating officer concerned, also contains narrations with respect to the accused throwing into a drain the allegedly snatched Aadhar Card, Voter I.D. Card, ATM Card, PAN Card, alleged to be belonging to the complainant. Therefore, all the above documents are not amenable for being recovered, at the instance of the present bail petitioner, to the investigating officer concerned. However, even in the event of non-makings of recoveries thereof, it is yet open to the investigating officer concerned, to add in the petition FIR, an offence under Section 201 of the IPC against the present bail petitioner.

6. Be that as it may, though it is alleged in the FIR, that the present bail petitioner allegedly snatched the keys of the Acura, but the above has not been recovered. Consequently, the learned counsel appearing for the present bail

petitioner argues that, the allegations made against the present bail petitioner, and, the other co-accused are completely false.

7. However, the above argument staggers, as, at this stage, this Court cannot dispel the evidentiary worth of the signed incriminatory statement made by the present bail petitioner, to the investigating officer concerned, which even otherwise, at this stage, appears to be carrying some evidentiary worth.

8. Though, in the event of the above, this Court may not become inclined to accord the indulgence of the bail to the present bail petitioner, but given the apposite custody commencing from 06.04.2022, this Court does not deem it fit, and, appropriate to further prolong it, rather this Court deems it fit, and, appropriate to admit the present bail petitioner to regular bail, but subject to his depositing within a week from today, Rs. 7,000/- in the establishment of the learned trial Magistrate concerned, disbursement thereof shall be regulated by the outcome of the trial, as may become entered into by the learned trial Magistrate concerned.

9. In aftermath with the above condition, the present bail petition is allowed, and, the bail petitioner is ordered to be released from judicial custody, but subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless he becomes validly exempted.

10. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

06.07.2022

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ITHLESH KUMAR
2022.07.07 11:01
I attest to the accuracy and
authenticity of this order

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