

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

CRM-M-28826-2022

Date of Decision: 17.08.2022

Vikas Bharti

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

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

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.116 dated 07.04.2022 (Annexure P-1) registered under Section 379-B of the IPC (Section 411 IPC, 1860 added later on) with Police Station City Division B, District Amritsar.

2. The brief facts of the present case are that Gurpreet Singh son of Darshan Singh got registered the FIR to the effect that on 06.04.2022 while he along with his family were going back from Hotel Jallianwala Bhag to Hotel Harpal Classic, then a young boy on an Activa came from behind and fled away after snatching the ladies purse of his wife, which she was carrying in her hand. The said purse contained keys of the car, RC of the Car No.PB65-D-6307, a mobile phone of Samsung A7, Rs.7000/- cash and various Aadhar Cards and ATM Cards. During the course of investigation,

the petitioner was arrested and the recovery of a mobile phone was effected from him.

3. The learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and not connected to the offence in any manner. In fact, the petitioner only purchased a second hand phone and he did not have the knowledge that the said phone was the stolen one. He contends that in the absence of such knowledge, an offence under Section 411 IPC is not made out. Even otherwise, he was a first-time offender and has been in custody since 11.05.2022 and after conclusion of the investigation, though challan has been presented, yet none of the 12 witnesses have been examined so far. He thus, prays for the grant of regular bail.

4. On the other hand, the learned State counsel contends that the kind of offence committed by the petitioner, are on the rise these days. The mobile phone contained in the purse, which was snatched at the time of occurrence was recovered from the petitioner. Therefore, the petitioner does not deserve the concession of regular bail.

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

6. Admittedly, the petitioner has been in custody since 11.05.2022. The challan stands submitted and none of the 12 prosecution witnesses have been examined so far. It would be a matter of trial as to whether the petitioner was in fact having knowledge that the phone purportedly recovered from him was a stolen one.

7. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Vikas Bharti son of Ram Karan is ordered

to be released on bail subject to him furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

17.08.2022

JITESH

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