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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29282-2022

Date of Decision: 12.07.2022

Bhawanpeet Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Brar, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 57 dated 23.06.2022, under Sections 379B/411 IPC, registered at Police Station City Morinda, District Rupnagar.

It has been submitted by the learned counsel for the petitioner that in the present case the petitioner has been falsely implicated and his name was nominated on the basis of the disclosure statement made by the co-accused.

As per the allegations contained in the FIR which was lodged on the basis of statement of one Radhe Syam that he is a kulfi and ice cream seller and on 22.06.2022 at about 2.00 P.M when he was selling kulfi and ice cream at Peer Baba Dargah, Dholanmajra, then 3 clean shaven boys came on motorcycle from Dholanmajra side and they snatched his Vivo

company phone which was in his right hand. He can recognize the snatcher if brought in his presence. The colour of the motorcycle was red-black. Learned counsel for the petitioner has submitted that the petitioner was neither present nor involved in the present case and disclosure statement of a co-accused is not admissible in evidence and, therefore, he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has stated that he has received advance copy of the petition and also sought instructions from the concerned police official who is also present in the Court. He further submitted that out of the 3 accused 2 have already been arrested and although the name of the petitioner was nominated on the basis of disclosure statement of the co-accused but in the present case there are sufficient material available to connect the petitioner with the present offence. He has also produced the photographs which were taken from the CCTV footage of the same place i.e. Dholanmajra and from the CCTV footage it is clear that the petitioner is also sitting as a pillion rider on the motorcycle alongwith other two co-accused. The said CCTV footage is of the same place and of the same time and the cameras were installed at Dholanmajra Chowk by the police itself from where the CCTV footage was retrieved on the next date. He further submitted that all the three accused collectively came on a motorcycle and snatched the mobile phone. He further submitted that now-a-days snatching of phone etc. is increasing and custodial interrogation of the petitioner was required to ascertain the position with regard to his involvement in other cases as well.

I have heard the learned counsel for the parties.

An argument was raised by the learned counsel for the petitioner that he was nominated on the basis of a disclosure statement of the co-accused which is not permissible in evidence. However, the learned Deputy Advocate General, Punjab has stated that the CCTV footage from a camera which was installed by the police itself in the chowk shows that at the same time and at the same place the petitioner alongwith other two accused were riding on a motorcycle. This Court is of the view that although disclosure statement of a co-accused may not be admissible in evidence but when there is other sufficient corroborative evidence available, then the petitioner cannot take up this plea for the grant of anticipatory bail. The argument raised by the learned Deputy Advocate General, Punjab that for the purpose of qualitative interrogation and to ascertain the modus operandi and the involvement of the petitioner in other cases is required thus carry weight. This Court can also not ignore the fact that now-a-days the incidents of snatching especially snatching of the mobile phones are increasing. Therefore, considering the seriousness of the matter, the petitioner is not entitled for the grant of anticipatory bail.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.07.2022

rakesh

Whether speaking
Whether reportable

**(JASGURPREET SINGH PURI)
JUDGE**

: Yes/No
: Yes/No