

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

Sr.No.211

**CRM-M No.43052 of 2021
Date of Decision: 07.01.2022**

Kulwinder Singh @ Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. B.S. Baath, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the relief of regular bail in the criminal case arising out of the FIR bearing No.0087 dated 18.06.2021 registered at Police Station Adampur, District Jalandhar, under Sections 379-B and 411 read with Section 34 IPC.

Bereft of unnecessary details, the allegations, as levelled by complainant Anis Khan in the subject FIR, are that he runs a juice stall at Bus Stand Alawalpur. On 29.04.2021, one unknown person approached him and asked him (complainant) to accompany him in connection with the booking of an order. When they reached near Kishangarh, the said person threatened him with '*Datar*' and snatched his mobile phone and fled away from there. Thereafter, during the investigation, the location of

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the said mobile phone was tracked and traced out and the petitioner was apprehended while using the said phone. He allegedly suffered a disclosure statement nominating his co-accused therein.

Reply on behalf of the respondent-State, as forwarded by learned State counsel to the Court through *email*, is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case as he was nabbed by the police on 18.06.2021 but is shown to have been arrested on 19.06.2021 and moreover, he has been in custody since the day of his arrest and some of his co-accused have already been granted the concession of regular bail by the Court below and in these circumstances, he deserves the relief as sought in this petition.

Per-contra, learned State counsel argues that the petitioner was apprehended and the mobile phone, belonging to the complainant, was recovered from his possession and keeping in view the gravity of the offence committed by him, this petition be dismissed.

Though, the petitioner claims that he was actually apprehended on 18.06.2021 but at this stage, no material is available on the file to substantiate this fact. Even otherwise, the veracity and truthfulness of the prosecution version can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after

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appreciating and evaluating the evidence that may be led on the record during the course of the trial and at the moment, the fact remains that the mobile phone of the complainant is specifically alleged to have been recovered from the possession of the petitioner.

As regards the period of incarceration of the petitioner, it has been mentioned in the Reply that though, the Challan has been presented in the Court but the trial is still to commence meaning thereby that the complainant is yet to step into the witness-box to make depositions before the trial Court. It being so, his custody does not suffice at all, at this stage, to extend the relief of regular bail to him.

So far as the contention regarding the concession of bail having been granted to the co-accused of the petitioner by the Court below is concerned, it is pertinent to mention here that as discussed above, the mobile phone of the complainant has been recovered from the possession of the petitioner and some of his co-accused have been arraigned as such in this case in pursuance of his disclosure statement only and therefore, their role and the role/case of the petitioner cannot be treated on the same footing. To add to it, it has also been categorically deposed in Para 9 of the Reply that the petitioner is also involved in one more case registered at Police Station Kartarpur, Jalandhar under Section 379-B IPC.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner)

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does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

07.01.2022	(MEENAKSHI I. MEHTA)	
neetu	JUDGE	
	<i>Whether speaking/reasoned</i>	<i>Yes</i>
	<i>Whether Reportable</i>	<i>No</i>