

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

CRM-M-47592-2022

Date of Decision:-09.11.2022

Deepak @ Deepak Dhawan.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Jasneet Mehra, Advocate for the Petitioner.

Mr. Jaiteshwar Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.160 dated 12.05.2022 under Sections 379-B, 34 IPC and Section 411 and 149 IPC added later on, (wrongly mentioned as 508 IPC in front page of FIR), registered at Police Station Maqboolpura, District Amritsar.

2. The present FIR came to be registered at the instance of Dalbir Singh son of Kirpal Singh who stated that he used to go to the vegetable market daily on his motor cycle cart to sell vegetables. On 12.05.2022 while he was going on the said vehicle loaded with vegetables to the vegetable market then at about 3.00 am, 5/6 persons on a motor cycle were standing on the road. Out of them three persons riding one motor cycle struck their motor cycle in his motor cycle cart and stopped him. The other

persons also stopped their motor cycle in front of his cart. They started giving him fist blows whereas one person gave him stick blows. Another person showed him a *datar* and forcibly took away his phone containing Sim Card No.9855480541. One person searched his pockets and another person showed him a pistol like weapon and asked him to give his money. He stated that he did not have any money and they went away. The persons who had committed the snatching were on a splendor motor cycle and the make of the other motor cycle is unknown.

3. The Counsel of the petitioner contends that the petitioner is not named in the FIR and has been arrested about 05 days after the incident. He has been indicted on the basis of the confessional statement of his co-accused Suraj @ Mandi who has been granted bail. The allegations that the complainant was beaten up is falsified by the fact that there is no MLR of the complainant. As the petitioner was in custody since 17.05.2022 and only a *datar* was recovered from him, the petitioner deserved the concession of bail because his co-accused had been granted the concession of bail vide order dated 21.10.2022 passed in CRM-M-47858-2022.

4. The Counsel for the State on the other hand contends that the offences of this kind are on the rise and the petitioner does not deserve the concession of bail. Even otherwise a *datar* has been recovered from him. He however, does not deny the fact that the investigation is complete and his co-accused has been granted the concession of bail.

5. I have heard counsel for both the sides at length.

6. Admittedly, the petitioner is in custody since 17.5.2022. He has been named in the disclosure statement of his co-accused. None of the 16 prosecution witnesses have been examined so far. His co-accused Suraj

@ Mandi has been granted the concession of bail vide order dated 21.10.2022 in CRM-M-47858-2022. In view of the said facts, the further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Deepak @ Deepak Dhawan** son of Sh. Rajeev Dhawan is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 09, 2022
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No