

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

CRM-M-56748-2022

Date of Decision: 13.12.2022

AJAY SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARSH BUNGER, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.58 dated 04.07.2022 registered under Sections 279-B and 411 read with Section 34 of the Indian Penal Code, 1860 at Police Station Tappa, District Barnala, Punjab (Annexure P-1).

The FIR in question has been registered at the instance of one Rupesh Kumar son of Rangilal resident of Bhagwanpur, District Bapudham, Motihari (Bihar) on the allegation that he along with his friend Ritesh Kumar son of LalBabu Shah, after getting free from work, were going towards their house and when they reached at Street no.9 at around 8:40 p.m., one black colour motorcycle came from back side, wherein, three young boys were sitting, stopped their motorcycle and started talking with him and in the meanwhile, one person, who was sitting in the last on the motorcycle, snatched his blue colour touch screen Redmi-9 mobile phone and ran away on the motorcycle. It is alleged that the complainant

along with his friend rushed after them, nabbed the motorcycle from behind and all the three young boys fell down from the motorcycle, who disclosed their name as Sandeep Singh son of Manjit Singh, Ajay Singh (present petitioner) son of Satpal Singh and Simmi son of Pritam Singh resident of Jethuke. It is further alleged that the said persons embarrassed the complainant and whisked away from the spot on their motorcycle along with mobile phone.

Learned counsel for the petitioner has submitted that at the time of alleged occurrence, the petitioner was minor as according to the Aadhar Card, his date of birth is 23.11.2004. It is further submitted that the petitioner had earlier applied for anticipatory bail through his mother and natural guardian before the Court of Additional Sessions Judge, Barnala, which was allowed vide order dated 04.11.2022 (Annexure P-2). However, due to miscommunication between the petitioner and his counsel, the petitioner could not join the investigation in compliance of bail order dated 04.11.2022, consequently, the interim bail granted to him was dismissed vide order dated 17.11.2022 (Annexure P-3) passed by learned Additional Sessions Judge, Barnala. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in the case. He further submits that the petitioner has no concern, whatsoever, with the alleged occurrence. It is submitted that the recovery of mobile has already been effected from co-accused of the petitioner namely, Tarsem Singh and nothing is to be recovered from the present petitioner and his custodial interrogation is not required. It is also submitted that no specific allegation has been levelled

against the petitioner and no other case is pending against him. The petitioner is ready and willing to join the investigation.

Notice of motion in the case was issued on 06.12.2022, whereupon, learned State counsel has appeared and opposed the bail application of the petitioner by submitting that the offence is serious in nature. However, he has not disputed the fact that the recovery of mobile has already been effected from co-accused Tarsem Singh. It is also not denied that there is no other case pending against the petitioner except the present one i.e. FIR No.58 dated 04.07.2022 registered under Sections 279-B and 411 read with Section 34 of the Indian Penal Code, 1860 at Police Station Tappa, District Barnala, Punjab.

I have heard learned counsel for the parties and have perused the paper book with their able assistance.

Keeping in view the above facts and circumstances, the allegation is primarily regarding snatching of mobile phone of the complainant. The recovery of mobile phone in the present case has been effected from co-accused of the petitioner namely, Tarsem Singh and now nothing is to be recovered from the petitioner. There is no other case except the present one, against the petitioner. Accordingly, I deem it appropriate to grant anticipatory bail to the petitioner with a direction to him to join the investigation. In the event of his arrest, he shall be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

It is made clear that in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances noted above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

December 13, 2022
gurpreet

(HARSH BUNGER)
JUDGE

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