

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-998-2023 (O & M)****Date of decision: 10.01.2023**

Ajay Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.114 dated 30.07.2022 under Section 379-B IPC registered at Police Station Subhanpur, District Kapurthala.

2. The present FIR came to be registered on the statement of Sonia Rani, who stated that on 29.07.2022 at about 7.00 p.m., while she was waiting for a bus at the bus stop, one clean shaven person came on Splendor motorcycle, snatched her mobile phone and sped away. She could identify the person if he was brought before her.

Thereafter, CCTV footage was obtained from which the petitioner was identified by the complainant.

3. The learned counsel for the petitioner states that the petitioner has not been named in the FIR nor has any description of the accused been mentioned. There was a delay of one day in registration of the same and this delay remains unexplained. Even the ingredients of the offence under Section 379-B IPC were not made out as the petitioner was not armed with any kind of weapon or caused or threatened to cause any injury to the complainant. In the facts and circumstances of the case, the custodial

interrogation of the petitioner was not required and he was entitled to the grant of pre-arrest bail.

4. The learned counsel for the State, on the other hand, contends that the offences of this kind are on the rise. Quite obviously the petitioner could not have been named by the complainant, who was unknown to her. However, on the basis of the CCTV footage and the photographs of the petitioner taken from the said footage, the petitioner was duly identified by the complainant. The serious nature of the allegations levelled against the petitioner coupled with the fact that the recovery was to be effected from him did not entitle him to the grant of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is not named in the FIR. However, that fact itself does not cause any dent in the case of the prosecution. The petitioner was unknown to the complainant, and in fact, the complainant has stated in the FIR that she could identify the person if he was brought before her.

Based on the CCTV footage of the occurrence, the petitioner has been identified by the complainant. The recovery of the mobile phone is to be effected from him and the investigation has to be taken to its logical conclusion. Even otherwise, the nature of the allegations against the petitioner do not entitle him to the grant of pre-arrest bail.

7. In view of the above, I find no merit in the present petition. Therefore, the same is hereby dismissed.

January 10, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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