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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 3rd July, 2023

1. CRM-M-8762-2023

Harish Rakwar

Petitioner

Versus

State of Punjab

Respondent

2. CRM-M-10451-2023

Shivam

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rishu Mahajan, Advocate
for the petitioner (in CRM-M-8762-2023).

Mr. Subhash Kumar, Advocate
for the petitioner (in CRM-M-10451-2023).

Mr. H.S. Sitta, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. These two petitions are filed seeking regular bail in case of FIR No. 139, dated 30th November, 2022, under Sections 379-B, 411 read with Section 34 of Indian Penal Code, 1860, registered at Police Station Division No.3, District Jalandhar.

2. As per the case set up, on 30th November, 2022, police received a secret information that Harish Rakwar and Shivam were in habit of snatching mobile phone and other articles. The FIR was registered on the basis of secret information. Statement of Manoj brother of Avdesh was recorded that on 29th November, 2022 at about 8:30 PM two persons near railway station snatched mobile phone and white jacket of his brother. He identified Harish Rakwar who was wearing white jacket of his brother and Aadhar card of Avdesh was recovered from the jacket.

3. Learned counsel for the petitioners submit that it is a case of false implication; petitioners are in custody since 30th November, 2022 and not involved in any other case. No recovery is to be made from the petitioners. It is further submitted that there is no complaint filed by Avdesh of the alleged incident that took place on 29th November, 2022.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioners were specifically named in the secret information.

5. Having conspectus of the facts, considering that the only recovery made from the petitioners was Aadhar Card and Jacket of Avdesh; no further recovery is to be made; petitioners have no criminal antecedents; conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petitions are allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main cases have been allowed, pending application if any is rendered infructuous.
9. A photocopy of this order be placed on the file of connected case.

3rd July, 2023
Parveen Sharma

[AVNEESH JHINGAN]
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No