

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

CRM-M- 12478 - 2023

Decided on : May 22, 2023

Angad Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Karan Kalia, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.0097 dated 20.09.2022 under Section 379-B (Section 379(2) IPC added later on), Sections 34, 411, 177 and 120-B IPC, registered at Police Station Daba, District Ludhiana.

2. The case of the prosecution is that FIR in question has been registered on the basis of statement of Karan Mourya to the effect that he is working as Distributor in Vodafone Idea company and his office is at 33 feet road near Pippal Chowk Giaspura. On 20.09.2022 he had gone to Fieldganj Market and at about 2.30 PM. He received phone call from the petitioner who told that on said day he was going to SBI Giaspura after collection on his motor-cycle Splendor plus and at about 2.20 PM when he reached street no.1, near HR International Factory Mohalla Surjit Nagar, one motor-cycle splendor came from behind and one person out of them shown Gandasi to him and pillion rider took the collection bag from front of the motor-cycle containing Rs.70,000/- and his techno mobile and fled away.

3. In compliance of order dated 17.03.2022 learned State counsel has filed status report dated 20.05.2023 by way of affidavit of Sandeep Wadehra, Assistant Commissioner of Police, Industrial Area-B, Ludhiana, on behalf of the respondent-State, which is taken on record. Para nos.4 and 5 of the status report reads as under:-

“ 4. That the occurrence was recorded in the CCTV Cameras installed outside HAR Factory and the same was taken into possession by the police and it was revealed that the crime was committed on Motorcycle No. PB-10HM-9364 and during the Nakabandi, the said motorcycle petitioner was apprehended on was sitting and which the present the petitioner was arrested on 21.09.2022 and the motorcycle was taken into possession. During his examination, the petitioner made a Confessional Statement u/s 27 of the Evidence Act that on 20.09.2022, he was present at Haryanvi Ground alongwith his friends Rohit alias Maasi and Safraj, then Ritik, who is also friend of the said Rohit alias Maasi, had come them and told that when Ritik will have to after collection of money, then they have to snatch the said Bag from him in front of the CCTV Cameras installed outside HAR Factory. Ritik further told them that he will give Rs.5000/- to each of them and Ritik will report the matter to the police. As per the said planning of the Ritik with the petitioner and his co-accused, the present petitioner, Rohit alias Maasi and Safraj had committed the snatching from Ritik. Accordingly, co-accused Rohit alias Maasi and Safraj were nominated as accused on 21.09.2022.

5. That accordingly Ritik was arrested on 21.09.2022 and he also got recovered the said snatched Bag containing Cash of Rs. 70,000/- and his mobile phone u/s 27 of the Evidence Act which were kept concealed by him in his house. He also confessed in his Confessional Statement that he had made planning of the said snatching with the present petitioner and others. Accordingly, offence u/s 411 IPC was also added on 21.09.2022. ”

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that during the investigation, the investigating officer has found that the incident is not of snatching and it was actually the co-accused Ritik, who in connivance with his friend – Rohit has hatched the entire conspiracy just to misappropriate the amount of his company. He further submits that the petitioner is in custody since 21.09.2022 and is not involved in any other case. He further submits that co-

accused namely Ritik, who is the main accused, has already been granted concession of regular bail vide order dated 09.12.2022 (Annexure P-3) passed by this Court; investigation is complete; *Challan* has been presented and charges are yet to be framed, so the trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further behind bars.

5. *Per contra*, learned State counsel has opposed the prayer for grant of regular bail to the petitioner. However, he could not dispute that the petitioner is not involved in any other case; investigation in the present case is complete; *Challan* has been presented; charges are yet to be framed; the petitioner is in custody since 21.09.2022 and the co-accused namely Ritik has already been granted concession of regular bail.

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is about 08 months; investigation is complete; *Challan* has been presented; charges are yet to be framed; co-accused - Ritik has been granted regular bail; the petitioner is not involved in any other case and the trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed off accordingly.

May 22, 2023

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(NAMIT KUMAR)
JUDGE

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