

(206)

2023:PHHC:064727

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21654 of 2023

Date of Decision: May 05, 2023

Harshdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Simble, Advocate for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C, petitioner prays for grant of anticipatory bail in case FIR No.37 dated 10.02.2023 registered under Sections 379-B, 34, 411 IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 (Sections 25/27 of Arms Act deleted later on and Sections 28 and 30 of Arms Act added later on) at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

FIR was lodged on the complaint of Chetan Dogra, who is running a shop by the name of “Bharat Cosmetic and General Store”, at Batala. It is alleged that on 10.02.023, he had come to his shop on his bullet motor-cycle No.PB-06-AE-2100. He parked the bullet motor-cycle and went inside the shop. At about 11:30 A.M., three youths came on his shop on Splendor Motor-cycle, who had covered their heads and faces with cloth. One youth kept standing outside. The other youth came inside, pointed a pistol at him, took the key from the counter and went away taking the bullet of the complainant standing outside.

It is contended by learned counsel that in fact an altercation

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has taken place between the complainant and co-accused Akashdeep Singh. The complainant being influential person got this FIR registered. Petitioner has been nominated on the basis of disclosure statement suffered by Akashdeep Singh. Attention is further drawn towards the order dated 01.04.2023, passed by learned Sessions Judge, Gurdaspur where similar petition was rejected in which there is a reference that petitioner was accompanying Akashdeep Singh and Vijay Kumar and had been identified by the complainant. Learned counsel contends that as per the contents of the FIR itself, the culprits had come with covered faces and so, there could not be question of identification. Learned counsel further contends that case is not covered under Section 379-B IPC as there is no allegation of snatching. Even if the allegations are taken at its face value, it will prima-facie make out a case under Section 384 IPC.

The facts as stated above, have not been been disputed by learned State Counsel. He has also placed on record custody certificate revealing that petitioner is in custody for the last 2 months and 20 days having no criminal antecedents.

Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing personal bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

May 05, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No