

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:064659
CRM-M-22713-2023
Date of Decision: May 05, 2023

Ajay Singh @ Akash

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lovish Rattan, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition is to grant anticipatory bail in case FIR No.84, dated 24.08.2022, registered at Police Station Ghanie Ke Bangar, District Batala-Gurdaspur, under Sections 341, 379-B of IPC.

As per allegations contained in the FIR, Gurmej-complainant of the case was going from his village towards village Bisniwal and as he reached near the brick kiln of village Khaira Kalan, six persons on two motorcycles, having muffled faces, encircled him, gave beating to him and snatched his mobile phone of Oppo company, having no.99886-52856, besides wallet containing ₹4,000/-.

Learned counsel for the petitioner submits that his cousin Akashdeep Singh, co-accused is stated to have been arrested on the basis of fact that mobile of the complainant on surveillance was found to be used by him and that mobile was recovered from that co-accused Akasdeep Singh and during his disclosure statement, he nominated the petitioner to be one of the snatchers. It is contended by learned counsel that the petitioner applied for anticipatory bail before the Courts of Sessions, he was released on anticipatory bail, subject to joining of investigation, vide order dated 20.01.2023, but later on his bail petition was declined, vide order dated 03.02.2023 on the ground that he had been identified by the complainant through video conferencing.

Learned counsel contends further that there could be no question of identification by the complainant since as per allegations contained in the FIR, the snatchers had come with muffled faces.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of the respondent-State.

On instructions from H.C. Surjit Singh, learned State counsel concedes the factual position as stated above. It is also conceded that the petitioner has already joined the investigation, pursuant to the order dated 20.01.2023 passed by learned Sessions Judge, Gurdaspur.

Having regard to the submissions made by counsel for the petitioner, but without commenting upon the merits of the case, petitioner is granted anticipatory bail, subject to joining of investigation as and when required by the Investigating Officer.

Disposed of.

May 05, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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