

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:073953
CRM-M-23501-2023
Date of Decision: May 22, 2023

Akashshdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Petitioner is praying for regular bail in case FIR No.37, dated 10.02.2023, registered at Police Station Civil Lines Batala, Police District Batala, District Hoshiarpur, under Sections 379-B, 34 and 411 of IPC and Sections 25 & 27 of the Arms Act, 1959 (Sections 25 and 27 of the Arms Act, 1959 deleted later on and Sections 28 and 30 of the Arms Act added later on).

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 10.02.2023, he had come to his shop on his bullet motorcycle No.PB-06-AE-2100. He parked the bullet motorcycle and went inside the shop. At about 11.30 A.M., three youths came on his shop on Splendor motorcycle, who had covered their heads and faces with cloth. One youth kept standing outside. The other youths 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 altercation had taken place between the complainant and the petitioner. The complainant being influential person got this FIR registered. Learned counsel has

pointed out that the order dated 05.05.2023 passed by this Court in CRM-M-21654-2023, whereby co-accused Harshdeep Singh was allowed bail and it is noticed that similar petition was rejected by learned Sessions Judge, Gurdaspur of the co-accused, in which there is a reference that petitioner and others have been identified by the complainant. It is contended that as per the FIR, culprits had come with covered faces and so, there could not be any question of identification. It is also contended that the 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.

Though, reply on behalf of the State is not filed, but the aforesaid facts have not been disputed by learned State counsel.

As per custody certificate placed on record by learned State counsel, petitioner is in custody for the last 3 months and 5 days, with no criminal antecedent.

Having regard to the aforesaid factual position and the fact that co-accused has already been allowed bail by this Court, but without commenting anything upon the merits of the case, the petitioner is admitted to regular bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned.

Allowed.

May 22, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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