

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:080962
CRM-M-27334-2023
Date of Decision: June 02, 2023

Vijay Kumar

...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)

By way of this petition filed under Section 439 Cr.P.C., 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 Gurdaspur, 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 motorcycle of the complainant standing outside.

It is contended by learned counsel that in altercation had 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 the disclosure statement suffered by Akashdeep Singh. Attention is drawn towards the order dated 23.03.2023, passed by learned Sessions Judge, Gurdaspur, where similar petition was rejected in which there is a reference that petitioner was accompanying Akashdeep Singh and the petitioner 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.

Learned counsel has drawn attention towards the order dated 05.05.2023 passed in CRM-M-21654-2023, whereby co-accused Harshdeep Singh was allowed bail by this Court and the order dated 22.05.2023 passed in CRM-M-23501-2023, whereby co-accused Akashdeep Singh has been allowed bail.

The facts as stated above, have not been disputed by learned State counsel. He has also placed on record custody certificate revealing that petitioner is in custody for the last 3 months and 18 days having no criminal antecedent.

Having regard to the aforesaid factual position and the fact that co-accused have 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.

June 02, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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