

CRM-M-34327-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34327-2023

Date of decision :29.08.2023

HARJINDER SINGH @ SHEETY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Sidhu, Advocate
for the petitioner.

Ms. Ramta K Choudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 of Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.22 dated 24.02.2023 registered under Sections 379-B, 34 IPC, 1860 at Police Station Jhabal, District Tarn Taran.

2. The brief facts of the case are that one Gurdeep Singh son of Charanjit Singh got recorded his statement to the effect that on 23.03.2023, while he was travelling on his Aactiva, three young persons came on a motorcycle. One of whom showed him a stick and asked him to stop his Aactiva. He stopped the same. One of the young men came down from the motorcycle and snatched his two mobile phones. One was of the Lava brand and the other was of the Iphone brand. They also took away his kit bag with his papers and Rs.700/-. The boys seemed to

be of the age of 25-30 years. On an inquiry being conducted by him, he came to know that he had been robbed by Ajay Singh son of Heera Singh, Durlabh Singh alias Babbu son of Hardev Singh and Harjinder Singh alias Shetty (petitioner) son of Dhira Singh.

During the course of investigation, Ajay Singh and Durlabh Singh @ Babbu were arrested on 24.02.2023 and one Iphone along with Rs.400/- came to be recovered from them. They disclosed that they along with the petitioner-Harjinder Singh @ Shetty had committed the offence and one of the mobile phones along with the bag of the complainant was in the possession of the petitioner.

During the course of investigation, the offence under Section 379(B)(2), 311, 201, 34 IPC was enhanced vide DDR No.12 dated 29.03.2023 and DDR No.21 dated 22.05.2023. After which the report under Section 173(2) Cr.P.C. was presented against Ajay Singh and Durlabh Singh @ Babbu.

3. The learned counsel for the petitioner contends that he has been named on suspicion and subsequently, in the disclosure statement of his co-accused. The said disclosure statement did not have any evidentiary value in the eyes of law. Therefore, the petitioner was entitled to the concession of anticipatory bail as he had clean antecedents.

4. A short reply dated 29.08.2023 by way of an affidavit of Tarsem Masih, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran has been filed on behalf of the State by the

learned counsel for the State. The same is taken on record. She contends that the petitioner and his co-accused both of whom were arrested were duly named in the FIR. Pursuant to the arrest of the co-accused, the recoveries of one phone and cash were effected. The said co-accused disclosed that the other phone was in the possession of the present petitioner. She, therefore, contends that as the offence had been *prima facie* established, the custodial interrogation of the petitioner was required to effect the necessary recoveries including one mobile phone and the remaining cash amount along with a bag belonging to the complainant.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner and his co-accused were named in the FIR. Subsequently, the co-accused were arrested and the recovery of one phone and some cash has been effected from them which had been robbed from the complainant. During the course investigation, the arrested accused disclosed that the present petitioner was in possession of the other phone along with the bag belonging to the complainant. Therefore, *prima facie*, the offence has been established and the custodial interrogation of the petitioner is necessary not only to recover the robbed articles but also to take the investigation to its logical conclusion.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

8. However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the Trial Court is free to adjudicate upon the matter in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

29.08.2023
JITESH