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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 20.11.2023

CRM-M-35309-2023

ANOOP KUMARPetitioner
Versus

STATE OF PUNJABRespondent

CRM-M-40031-2023

SHER SINGH @ SHERUPetitioner
Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ishan Gupta, Advocate and
Ms. Harita Panthey, Advocate
for the petitioner in CRM-M-35309-2023.

Mr. Arjun Dosanj, Advocate
for the petitioner in CRM-M-40031-2023

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Petitioners have invoked jurisdiction of this Court under
Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.0244 dated
27.12.2022 registered for the offences punishable under Sections 379B(2),
413 IPC (Section 411 IPC added later on) at Police Station Sadar Ludhiana,

Ludhiana.

2. The facts leading to the present case have been culled out in the status report filed by way of affidavit of Gur Iqbal Singh (PPS), Assistant Commissioner of Police, Ludhiana (South) on behalf of respondent-State (in CRM-M-35309-2023) today in Court, which is taken on record, to read as under :

- i. That on 27.12.2022, ASI Avtar Singh (hereinafter referred to as "the complainant), had received confidential information. This information pointed out that the petitioner Anoop Kumar, along with Prabhjot Singh @ Babbu, Raman Kumar @ Ramandeep Kumar, and Sher Singh @ Sheru were involved in a series of snatchings. They were snatching mobile phones and motorcycles from unsuspecting passer-by by using sharp weapons and making threats. Earlier complaints about similar incidents had been filed against them. The information mentioned their presence along the road from Village Kheru to Village Lalton Kalan. Since the information seemed trustworthy, it was documented, and a report was sent to the Police Station. This led to the registration of the present case i.e. FIR No. 244 dated 27/12/2022 initially under Sections 379-B (2) and 413 of the IPC, listing the petitioner and the three others as accused.
- ii. That acting upon the provided information, the police swiftly conducted a raid. During the same, the petitioner and one accomplice, Prabhjot Singh, were apprehended, while the other two, Raman Kumar @ Ramandeep Kumar and Sher Singh @ Sheru, managed to escape. **Upon search, the petitioner was found in personal possession of two mobile phones-Samsung and RealMe-and a sharp knife. Additionally, Prabhjot Singh was found**

with a sword fastened to his left leg and two mobile phones-Lava and Oppo. Notably, the motorcycle ridden by the petitioner lacked a registration mark, and he couldn't provide satisfactory details about its ownership. Subsequently, the investigating officer formally recovered all the aforementioned items, weapons, and the unregistered vehicle, documenting each vide a separate memo.

- iii. The subsequently offence under Section 411 IPC was added in the present case.”

3. Custody Certificate has been produced today in Court (in CRM-M-35309-2023), as per which the petitioner has undergone custody of more than 10 months and 23 days as under trial.

4. Counsel for the petitioner submits that so far as the other case against the petitioner is concerned, the petitioner has earned acquittal and in the present case also the investigating agency has relied upon the statement made by one Harpreet Singh to drive home the guilt of the petitioner whereas even if taken on its face value the statement of Harpreet Singh will not implicate the petitioner in the present case as Harpreet Singh admittedly could not prove the ownership of the alleged Mobilephone.

4. State Counsel does not dispute the aforesaid factual assertions made by counsels for the petitioners based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. In view of above, without commenting on the merits of the

case, keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

- 7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
- 8. A copy of this order be kept on the file of other connected case.

November 20, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No