

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36897-2023

Date of Decision:-17.10.2023

Raghav.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Prabhjot Kaur, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.18 dated 08.03.2023 under Sections 379-B(2), 34 IPC registered at Police Station Majitha Road, Amritsar.

2. The present FIR came to be registered at the instance of Garima Khanna who stated that she along with her friend Harman Chawla had gone to the market. At around 7.00 pm in the evening while her friend was dropping her (complainant) back to her (complainant's) house then a young man came behind their parked vehicle who was wearing a cap and had his face muffled with a cloth. He opened the front left window of their car and showed her a pistol like object and asked her to hand over everything to them. She on account of fear handed over her purse. After taking the same the boy sat behind the motor cycle of another young man who was standing a little behind their (complainant party's) car. Thereafter the two young men

fled towards Basant Avenue market side. Her purse contained her Mobile Phone, Rs.2500/- in cash, photocopy of her driving licence, photocopies of other documents. The boy riding the motor cycle was also wearing a cap and had tied his face with a cloth. The boy sitting behind was wearing a black jacket.

Pursuant to the registration of the FIR, the investigating officer received secret information that the aforementioned offence of snatching had been committed by the petitioner-Amandeep Singh @ Lucky (since granted bail vide order dated 16.10.2023 in CRM-M-32059-2023) along with his co-accused. Amandeep @ Lucky was stated to be working with the Zomato company. Based on the said information, Amandeep @ Lucky was apprehended on 31.03.2023 and during his interrogation, disclosed that he along with his friend namely Raghav (petitioner) had committed the abovesaid offence. Raghav was driving the motor cycle whereas he (Amandeep Singh @ Lucky) was a pillion rider. It was Raghav Bansal who had alighted from the bike and had snatched the purse from the complainant. The photocopies of the Aadhaar Card and other documents along with Rs.2500/- in cash had been kept by him (Amandeep Singh @ Lucky) thinking that the same would be used to procure Sim Cards. The mobile phone and purse were kept by Raghav Bansal who had also used the toy pistol to threaten the complainant.

Based on the aforesaid information the photocopies of the Aadhaar Cards No.401723260371 of Garima Khanna and No.435997224908 of Nitin Khanna along with Rs.1500/- of the snatched amount of Rs.2500/- were recovered on the basis of the disclosure statement suffered by Amandeep Singh @ Lucky.

During the course of the investigation of the present case,

Raghav Bansal (petitioner) who was in custody in FIR No.89 dated 29.03.2023 under Sections 379, 411 IPC P.S. Sadar, Amritsar was brought on production warrants and arrested in the present case. On the basis of his disclosure statement, the Splendor Motor Cycle No.PB-38C-7925 used for the commission of the crime, the snatched mobile Phone make Samsung and the toy pistol used were recovered from his residential house and taken into possession. He also disclosed that the snatched purse had been thrown by him in the drain.

During the course of the investigation the complainant Garima Khanna identified the petitioner and his co-accused Amandeep Singh @ Lucky along with the recovered mobile phone and photocopies of the documents and the offence under Section 201 IPC and Section 28 of the Arms Act was added vide GDR No.25 dated 26.6.2023.

3. The Counsel for the petitioner contends that he is not named in the FIR. The identification of the accused was not possible as their faces were muffled and heads were also covered. During the course of the trial Garima Khanna (complainant) had been examined as PW-2 and had not supported the prosecution case and had turned hostile. As the petitioner was in custody since 07.04.2023, the recovery stood effected and only 01 of the 14 prosecution witnesses had been examined so far, he was entitled to the concession of bail, moreso when his co-accused Amandeep Singh @ Lucky had been granted bail and in the other case registered against him bearing FIR No.89 dated 29.03.2023 P.S. Sadar, Amritsar he had been granted bail by Additional Chief Judicial Magistrate, Amritsar vide order dated 11.04.2023.

4. The Counsel for the State on the other hand contends that the offence stands established. The petitioner was arrested on the basis of secret

information after which the recoveries came to be effected from him and his co-accused Amandeep Singh @ Lucky. He however concedes that the petitioner is in custody since 07.04.2023, one prosecution witness namely Garima Khanna has been examined and has turned hostile and that the co-accused Amandeep Singh @ Lucky has been granted the concession of bail.

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

6. Admittedly, the complainant Garima Khanna has not supported the prosecution case in as much as she has not identified the accused present in the Court. Whether the other evidence available on record is sufficient to affix the liability upon the petitioner shall be examined during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 07.04.2023 and only 01 out of 14 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso when his co-accused Amandeep Songh @ Lucky has been granted the similar relief.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Raghav** son of Sh. Sanjay Bansal is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of

the absence of the petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 17, 2023
Vinay

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