S. No.209 **2023:PHHC:114944**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-42260 of 2023
Date of Decision:01.09.2023

Yadwinder Singh @ Yaddi **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anupinder Brar, Advocate for the petitioner.

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DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case FIR No.181 dated 01.09.2022 registered under Sections 379/323/34 IPC (Section 379-B/120-B IPC added later on) at Police Station Sadar, Tehsil Dhuri District Sangrur.

It is contended by learned counsel for the petitioner that co-accused Arun Kumar @ Nepali has already been allowed bail by this Court vide order dated 26.07.2023 in CRM-M-1309 of 2023 and that case of the petitioner is on same footing.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel does not dispute that case of the petitioner is on parity with co-accused. Custody certificate placed on record by learned State Counsel, reveals that petitioner has undergone the custody of 11 months and 09 days.

In CRM-M-1309 of 2023, following order was passed by this Court:-

"*The petitioner is seeking regular bail by way of this petition under*

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Section 439 Cr.P.C in case FIR No.181 dated 01.09.2022 registered under Sections 379, 323, 379-B, 120-B, 34 of the IPC registered at Police Station Sadar Dhuri, District Sangrur.

2. FIR was lodged on the complaint of Darbari Lal as per which on 24.08.2022 he was proceeding on his motorcycle for his village, when he was waylaid by three persons coming on the motorcycle and got him stopped. It was alleged that those bikers caused injuries to him and committed theft of his motorcycle. He was referred to Government Hospital, Sangrur for treatment. FIR was initially registered under Section 379 IPC.

3. As per the status report filed by the respondent- State, complainant got recorded his supplementary statement on 23.09.2022, as per which he had come to know about the identity of the unknown persons who had caused injuries to him on 24.08.2022 and had stolen his motorcycle and that those persons were his ex-student namely Yadwinder Singh @ Yaddi, Sunil Kumar, Arun Kumar @ Nepali (petitioner) and Dadu. On the basis of supplementary statement, Section 379 IPC was deleted and Sections 379-B, 120-B of the IPC were added. Record further reveals that petitioner was arrested on 24.08.2022 and in his disclosure statement he admitted to have committed the snatching of motorcycle of the complainant along with the co-accused. His disclosure statement also resulted into recovery of the certificate of registration of the motorcycle.

4. It is contended by learned counsel that petitioner is not named in the FIR; that though the alleged occurrence took place on 24.08.2022 but the FIR was lodged on 01.09.2022 and thereafter, the supplementary statement was made by the complainant on 23.09.2022 i.e. almost one month after the occurrence by giving the specific names of the snatchers. It is not explained that in case complainant knew the identity of snatchers, why he did not disclose the same to the police at the initial stage. Learned counsel further contends that registration certificate of the motorcycle was of no use to the petitioner and so, the case of the prosecution is highly doubtful.

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5. Custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 08 months and 17 days with no criminal antecedents.

6. Although learned State counsel has opposed the bail petition but keeping in view the facts and circumstances as pointed out by learned counsel for the petitioner, which could not be refuted by learned State counsel but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions."

Having regard to the afore-said facts and circumstances but without commenting anything on the merits of the case and also on the basis of parity, petition is allowed and the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

September 01, 2023 **(DEEPAK GUPTA)**
renu **JUDGE**

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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