

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44462 of 2022(O&M)
Date of Decision: 15.03.2023

Ajay @ Robin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Mohit Kumar, Advocate
For the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 006 dated 12.01.2022, registered under Sections 379-B, 323, 341, 411 read with Section 34 IPC at Police Station City-1, Sangrur.

The allegations in brief are that complainant was dealing in sale and purchase of mobile phones and on 11.1.2022 at about 9:00 p.m. he was carrying one bag having old and new mobile phones in it and he was going towards his house on a motor cycle and on the way he was intercepted by three unknown persons who were riding on a motor cycle and they attacked the complainant with iron pipe and then snatched his bag containing mobile phones and then they fled away from there. During investigation, one Tanush Gogia got recorded his statement with the police that he overheard the petitioner and one Himanshu while they were talking about their

involvement in the aforesaid incident of snatching. On the basis of the said statement of Tanush Gogia, the petitioner was nominated as accused.

The counsel for the petitioner submits that the petitioner was not named in the FIR and he has joined the investigation with the police. The counsel for the petitioner further submits that there is nothing on record to show that the petitioner was already known to Tanush Gogia as both of them belong to two different localities. The counsel for the petitioner further submits that it is highly improbable that two persons were loudly talking about their involvement in some criminal act while standing in a public place. The counsel for the petitioner further submits that the petitioner is facing two other criminal cases in which he is on bail. So, prayer is made that the present petition be allowed.

The petition is contested by the State counsel, who on instructions from ASI Manoj Kumar, submits that after the registration of the FIR the petitioner was nominated as accused on the basis of statement of Tanush Gogia who overheard the petitioner while he was talking to one Himanshu regarding their involvement in the incident of snatching in question. However, the State counsel has not disputed the fact that the FIR in this case was registered against three unknown persons and that the petitioner has joined the investigation and further the petitioner is already given benefit of bail in two other criminal cases registered against him.

I have considered the submissions made by counsel for the parties.

In the present case, FIR was registered against three unknown persons who snatched bag containing mobile phones from the complainant.

The said incident is dated 11.01.2022 whereas Tanush Gogia got recorded his statement with the police on 29.04.2022 wherein he stated that he overheard the petitioner talking to Himanshu regarding their involvement in the incident in question. It is a matter of evidence as to whether the petitioner was already known to said Tanush Gogia and further as to whether Tanush Gogia overheard the petitioner while standing in a public place regarding his involvement in the present occurrence. Admittedly, the petitioner has joined the investigation with the police.

Thus, without commenting on the merits of the case present petition is allowed and order of interim bail dated 29.10.2022 is hereby made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

15.03.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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