

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CRM-M-42028-2023
2023: PHHC: 153868

JASWINDER SINGH

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

2. CRM-M-43997-2023
2023: PHHC: 153869

GURPARTAP SINGH @ GOPA @ GOPI

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

Reserved on:29.11.2023
Pronounced on: 04.12.2023

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ramnish Puri, Advocate,
for the petitioner (in CRM-M-42028-2023)

Mr. Gursimran Singh Bawa, Advocate,
for the petitioner (in CRM-M-43997-2023)

Mr.M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

This order shall dispose of two petitions titled above, both filed under Section 439 CrPC, by which petitioners seek their release on regular bail in case FIR No.371 dated 18.12.2022 registered at Police Station 'B' Division, District Amritsar, under Sections 379B/411/34 IPC.

2. (i) As per the status report filed by the respondent/State in CRM-M-43997-2023 titled 'Gurpartap Singh @ Gopa @ Gopi Vs. State of

Punjab’, which Id. State counsel requests to consider for the other case also, on 18.12.2022, complainant Sagar Nathuwani had come to Amritsar alongwith his friend. He was talking to his family on mobile, when two youngsters came on a splendor motorcycle, snatched his OnePlus mobile phone and fled away. FIR was registered.

(ii) Jaswinder Singh (*petitioner in CRM-M-42028-2023*) was arrested on 25.02.2023 in case FIR No.30 dated 25.01.2023 registered at Police Station B-Division and during his custodial interrogation, he suffered disclosure statement, as per which he alongwith Gurpartap Singh @ Gopa @ Gopi (*petitioner in CRM-M-43997-2023*) had committed the offence of snatching pertaining to this case and that they had sold the snatched mobile to some unidentified person. Jaswinder Singh was formally arrested in the present case. Later on, said Jaswinder Singh suffered another disclosure statement as per which the snatched mobile had been given by him to co-accused Gurpartap Singh @ Gopa @ Gopi.

(iii) Petitioner-Gurpartap Singh @ Gopa @ Gopi being in custody in some other case, his production warrants were got issued and he was arrested on 27.02.2023. Pursuant to the disclosure statement suffered by him, snatched mobile was recovered from him, which was later on identified by the complainant vide identification memo dated 10.03.2023.

(iv) After completion of investigation, challan was filed. 18 witnesses have been cited by the prosecution, but none has been examined so far.

3. It is contended by Id. counsel for both the petitioners that they have been falsely implicated; that case of the prosecution is based upon the disclosure statements, which are inadmissible; that recovery has been planted

upon the Gurpartap Singh @ Gopa @ Gopi; that there is no evidence that snatched mobile and the mobile recovered from the petitioner-Gurpartap Singh @ Gopa @ Gopi are the same. Ld. counsels further point out that both the petitioners are in custody for the last more than 9 months; and that trial may take long time to conclude, having regard to long list of witnesses and so, they be allowed bail.

4. Ld. State counsel has opposed both the petitions by pointing out towards the antecedents of the petitioners and also by submitting that snatched mobile was recovered from petitioner-Gurpartap Singh @ Gopa @ Gopi, which was identified by the complainant of the case. Prayer is made for rejecting the bail petition.

5. I have considered submissions of both the sides and have appraised the record.

6. Occurrence took place on 18.12.2022. It is not the case of the prosecution that at the time of occurrence, complainant had identified the snatchers. There is nothing in the status report that after nabbing the petitioners, any test identification parade was held. There is nothing in the FIR to show that complainant had provided IMEI number of his snatched mobile. Status report does not reveal that IMEI number was even provided by the complainant during investigation. In these circumstances, it will be a matter of evidence as to how the mobile phone allegedly recovered from the possession of petitioner-Gurpartap Singh @ Gopa @ Gopi was identified to be the snatched mobile. As per the custody certificate, both the petitioners were are in custody for the last more than 9 months. Not even a single witness has been examined so far out of 18 cited by the prosecution and thus, trial may take long time to

conclude. Although petitioners are involved in other cases also, as per the custody certificates, but having regard to the aforesaid circumstances, the criminal antecedents of the petitioners, should not bar this Court to allow them bail in this case.

7. Considering the overall circumstances, as noted above, but without commenting anything further on merits of the case, petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Allowed.

A photocopy of this order be placed on the file of another connected case.

04.12.2023
Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No