

218

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5119-2024

Date of decision: 06.02.2024

Sandeep Dhawan @ Golu

...Petitioner

Versus

State of Punjab.

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Satwant Mehta, Advocate for the petitioner.

Mr. J.S. Guru, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of regular bail in case having FIR No.230 dated 12.12.2023, under Section 379-B(2) IPC and 411 of IPC (added later on vide rapat No.55 dated 12.12.2023) registered at Police Station Civil Lines, Police Commissionerate, District Amritsar.

2. The FIR in the present case was registered against some unknown persons who snatched vivo mobile phone from complainant Manish Sharma on 11.12.2023. During investigation of the case, co-accused Harmandeep Singh was arrested who made disclosure statement that the said snatched mobile phone was sold by him to the present petitioner.

3. The counsel for the petitioner submits that the petitioner is

falsely nominated as accused in the present case and is in custody since 12.12.2023. That the alleged recovery is already effected in this case. The counsel for the petitioner further submits that the petitioner is running a shop of sale, purchase and repair of mobile phones under the name and style of Preeti Telecom. It is further submitted that 20 other mobile phones which were taken from the shop of the petitioner by the police at the time of his arrest belongs to different customers and were lying in his shop for the purpose of sale/repair. The counsel for the petitioner further submits that even the phone in question alleged to be snatched by Harmandeep Singh was sold to the petitioner by said accused for Rs.10,000/- on 11.12.2023. The counsel for the petitioner further submits that petitioner himself was not physically involved in the alleged incident of snatching and thus, at the most his case comes under Section 411 Cr.P.C. So, prayer is made that the petitioner be released on bail.

4. The present petition is resisted by the State counsel who submits that the snatched mobile phone of the complainant was recovered from possession of the petitioner, who was arrested in the present case on 12.12.2023 and is presently lodged in judicial custody. However, the State counsel has not refuted the fact that the petitioner was not present at the spot of alleged snatching. The State counsel has not even disputed the fact that the petitioner is having no criminal history.

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

6. It is the apparently, the case of the prosecution that snatched mobile phone was recovered from possession of the petitioner who is

running a shop for sale, purchase and repair of mobile phones. With regard to the other mobile phones recovered from his shop, the petitioner has placed on file affidavits Annexure P-7 to Annexure P-12 of various customers, whose mobile phones were kept by the petitioner in his shop for the purpose of sale/repair. It is also the case of the petitioner that the snatched mobile phone of complainant was sold to him by Harmandeep singh on 11.12.2023. So, apparently offence under Section 411 Cr.P.C. is attracted against the present petitioner, as there is nothing on the record to show that the petitioner physically participated in the alleged incident of snatching of mobile phone from complainant. It is a moot point as to whether prima facie offence under Section 379-B IPC is made out against the petitioner. It will take considerable time for completion of investigation. It being so, no purpose is going to be served by detaining the petitioner in custody for any longer period.

5. For the foregoing reasons, without commenting on the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Chief Judicial Magistrate, concerned.

06.02.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No