

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-5885-2024 (O&M)
Date of Decision:- 26.02.2024

Gurdeep Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nandan Jindal, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
0003	01.01.2024	City Tohana, District Fatehabad	34, 379-A IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Malkiat Singh wherein it is alleged that on 15.12.2023 when he was proceeding to his house from his shop, then he was waylaid by three young boys who had come on a motorcycle and who were brandishing a sharp edged weapon and while threatening him snatched his mobile phone, a purse containing Rs.10,200/- cash, Aadhar card and PAN card. The complainant alleged that after the incident he kept on looking for the

said persons and that subsequently he got to know that the said 3 boys were Amandeep Singh, Gurdeep Singh and Sukhpreet Singh.

3. Learned counsel submits that it is a case where the FIR has been lodged after about 15 days of the alleged occurrence without there being any definite source from where the complainant came to know about the names of the accused. Learned counsel further submits that co-accused Amandeep had been arrested by the police and from whom the mobile phone has already been recovered and who is alleged to have suffered a disclosure statement nominating the petitioner as his associate. It has been submitted that the petitioner has a clean record and has been falsely implicated in the present case.
4. Opposing the petition, learned State counsel submits that having regard to the fact that the petitioner is specifically named in the FIR and there are specific allegations against him, no case for grant of anticipatory bail is made out. Learned State counsel has informed that the petitioner is involved in one more FIR which was lodged on the same very date i.e. 01.01.2024.
5. This Court has considered the rival submissions.
6. It is a case where the petitioner is not alleged to be identified at the time of occurrence, but it is claimed by the complainant that it was subsequently that the identity of the accused came to be known. The FIR was lodged belatedly i.e. after about 15 days of the occurrence. Under these circumstances, the identity of the petitioner will indeed be debatable. In any case, the petitioner is stated to be having a clean record and is not stated to be involved in any case except for one

more FIR which was lodged on the same day in the same Police Station. The petition, as such, is accepted and in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

26.02.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No