

CRM-M-7435-2024

Date of Decision: 05.03.2024

Inderjeet Singh @ Shelly

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Simerjeet Singh Bedi, Advocate
for the petitioner **(through VC).**

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. Short Reply by way of an affidavit of Assistant Commissioner of Police, South, Amritsar has been filed on behalf of the respondent-State in Court today and the same is taken on record.
2. The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant anticipatory bail in case FIR No.98 dated 29.08.2023 registered under Sections 379-B and 34 of IPC, at Police Station Sultanwind, Amritsar.
3. The FIR in the present case was registered on the basis of statement made by Krishna Kumar son of Ram Nath and the same has been reproduced below:-

Statement of Krishna Kumar son of Ram Nath resident of village Mukhram, District Kambore Bihar, presently resident of Sher Singh Colony, opposite Dharam Kanda, Tarn Taran Road, Amritsar, aged around 23 years, mobile no. 7052723852. It is

stated that I am resident of abovementioned address and I work as Painter. On 28.08.2023, it was my birthday. My friends had come at my house. Last night, at about 11 O' clock, I along with Armandeep Singh son of Sukhdev Singh resident of Ishwar Nagar Tarn Taran road Amritsar, Armandeep Singh son of Dilbagh Singh resident of house no. 77. Park Wali Ishwar Nagar, Anish Kumar son of Naranjan Kumar Soni, resident of House no. 376, Bhai Manjh Singh road, near Ber Sahib Gurudwara Amritsar and Deepak Kumar son of Raj Kumar resident of Ishwar Nagar Tarn Taran Road, Amritsar, all five of us were riding on two motorcycles. Out of those, one motorcycle bearing no. PB 02BY 6096 motorcycle belonged to Armandeep Singh and it was driven by Armandeep Singh. I was sitting behind Armandeep Singh and another motorcycle was bearing no. PB 02 EN 2764 and on this motorcycle, Deepak and Anish Kumar were riding and were going to Dashmesh Nagar. When we had reached near Tarlok Janjghar, back side of Baba Bhuri Wale Dera, one motorcycle, on which there were four young persons, came from behind and they had brought their motorcycle in front of our motorcycle and they came down from motorcycle. The faces of two persons were muffled and they were carrying dattars. They put us under the fear of dattar and told whatever we had, should be given to them. Out of them one young person has taken the mobile phone, held in my hand of brand OPPO, which was having Sim no. 8054641673 of idea company and in the cover of mobile, there were Rs. 2000/-. The motorcycle, on which I was riding with my friends, bearing no. PB 02 BY 6096 brand Splendor color silver had also been snatched and they had given us beating and after snatching my phone and motorcycle of my friend, they had fled from the spot. I and my friends got scared and went back to our respective houses. The persons who have committed the offence, they can be recognized, if brought in front of us. We could not read the number of the motorcycle, on which unknown persons were

residing, due to darkness. Now I and Armandeep Singh son of Dilbagh Singh resident of House no. 77, park Wali Ishwar Nagar Amritsar and our friends were coming to inform you. We have met you, we have made statement. Appropriate legal action may be taken. Verified Krishna Kumar, attested by Surinder Singh, ASI, police station Sultanwind Amritsar City.

4. Learned counsel for the petitioner contends that the petitioner was not named in the present FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. He further contends that the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused Prince; however, Prince has already been granted the concession of regular bail by this Court, vide order dated 15.01.2024, passed in CRM-M-1053-2024 (Annexure P-3). The petitioner is a student of 11th standard and is not involved in any other case.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the motorcycle, which was allegedly used in the commission of crime, was registered in the name of present petitioner and he does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the record.

7. The FIR was registered against unknown persons, initially. The petitioner has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused Prince and Prince has already been granted the concession of regular bail by this Court, vide order dated 15.01.2024 (Annexure P-3).

8. Without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

05.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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