

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

CRM-M-8880-2024

Date of Decision: 27.02.2024

Japneet Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Ms. Arti Kaur, Advocate
for the petitioner.

Ms. Amrita Garg, Asst. A.G, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 112 dated 30.12.2023, registered under Sections 379-B of IPC (411 of IPC added later on), Police Station Division No.1, District Police Commissionerate Ludhiana.
2. The FIR in the present case was registered on the basis of the statement made by Umesh Kumar and the same has been reproduced below:-

“Station House Officer Sahib, Police Station Division No. 1 Commissionerate Ludhiana, Sir, I request that I, Umesh Kumar son of Bihari Sah, am resident of Nimmwala Chowk, Indian Colony, Police Station Division No. 03, Ludhiana. Today i.e. on 30.12.2021 at about 01:00 P.M, I was going to Nimmwala Chowk from the railway station. When I reached Lassi Wala Chowk 6 boys came on 02 motorbikes and surrounded me and snatched my mobile phone, Samsung A/4, which had 798608795 Jio number functioning and escaped. It was learnt from the vicinity that the name of these person is Simranjit Singh alias Gautam son of Lal

Singh resident of house no 2201 Mahalla Sant Pura Ludhiana, Japneet Singh son of Sukhwinder Singh resident of house no 768 street no 04 Nirankari Mahalla near Manju cinema Ludhiana and Himanshu son of Raju resident of street No. 03 Mohalla Dasmesh Nagar Ludhiana. It has been found that 3 other unknown persons were also involved, about whom no clue could be found. I have come to the police station to report. Please take appropriate action. True & Correct: Umesh Kumar”.

3. Learned counsel for the petitioner contends that the allegations levelled by the complainant in the present case were highly unbelievable. Even no recovery was effected from the present petitioner. Learned counsel for the petitioner further submits that a mobile phone has been planted on the present petitioner, otherwise no recovery was effected from him. He next contends that the petitioner was arrested in the present case on 30.12.2023 and the final report under Section 173 Cr. P.C has already been presented against him. Learned counsel further contends that the petitioner was never involved in any other criminal activity.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and does not deserve the concession of bail by this Court.

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

6. The petitioner was arrested in the present case on 30.12.2023 and is in custody since then and is not involved in any other criminal case. The final report under Section 173 Cr. P.C has already been presented and no purpose will be served by keeping the petitioner behind the bars.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

27.02.2024

hitesh

(N.S.SHEKHAWAT)

JUDGE

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