

CRM-M-10161-2024
Date of Decision : 15-04-2024

Sahil @ ShaluPetitioner

Versus

State of PunjabRespondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Atinderpal Singh, Advocate and
Mr. Anmol R. Sharma, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.68 dated 15.03.2022 registered for the offences punishable under Section 379-B (2) and 34 of IPC,1860 at Police Station Sadar, District Amritsar (Annexure P-1).

2. As per the contents of the FIR, it has been alleged as under:-

“To, the SHO Sahib, Police Station Sadar Amritsar, Sir, it is requested that I, Rajinder Singh son of Amar Singh, am a resident of House No.33, Gali No.2 Shri Ram AVE 88 feet Road Amritsar and I am working as Cook at a hotel on Palam Villa Resort Airport Road and today, on dated 15.3.22 at around 1.30 AM in the night, by riding over my Activa No. PB 02 DU 4917 colour silver, was returning to home after my work and along with me, my accomplice, Sohan Singh and Narinder Singh residents of Shri Ram Avenue 88 feet Road Amritsar, were returning to home on their motorcycles. When we

reached Sardar Dairy 88 feet Road, then from behind, 4 youngsters riding over 2 motorcycles, came, and out of them, one youngster, by pushing me, thrown me on the ground from Activa and by showing pistol, by snatching my above numbered Activa, ran away from the spot. The person, who did snatch, had covered his face with cloth and snatcher person, came on the motorcycle, I could not get the numbers of those. My Activa is registered in the name of Ranjit Kaur wife of Tarsem Singh resident of Gali No.2 Shaheed Udham Singh Nagar Sultanwind Road Amritsar. Kindly take necessary legal against the snatchers of my Activa. SD/ Rajendra Singh 77400-55049 Police Action, today, I, ASI along with ASI Sucha Singh 3528 PHG Joginder Singh 8461 for patrolling and search of doubtful persons, riding over private vehicle, were present at Khande Wala Chowk that Rajinder Singh son of Amar Singh resident of House No.33 Gali No.2 Shri Ram AVE 88 feet Road Amritsar, came to me, ASI, submitted a written complaint, from the contents of the complaint, offence under section 379-B(2) has been found to be committed. Original complaint for registration of FIR is being sent to police station through hand of PHG Joginder Singh 8461, after registering FIR, number may be intimated. After issuing special reports, may be sent in the service of officers and Ilaqa Magistrate Sahib. Station House Officer Police Station may be informed on Control Room. I, ASI along accompanied employees, by taking along applicant of FIR and accomplices, move towards the spot of occurrence. Today within limits area Khande Wala Chowk ASR AT-3.50 AM Sd/- Gurmeet Singh ASI Police Station Sadar Amritsar Dated 15.3.2022, Today at police station: At this time, on receipt of above complaint, by registering above FIR under above offence, original complaint along with copy of FIR, by hand employee, is being sent to the ASI for further investigation on the spot. By issuing special reports, is being send by hand ASI Dilbag Singh 2977, in the service of Ilaqa Magistrate and officers. Station House Officer was informed on Control room. Compliance Rapat No.07 time 4.40 AM.”

3. Petitioner was nominated on the basis of disclosure made by co-accused. Counsel for the petitioner submits that apart from the said disclosure made by co-accused that too while in police custody, there is no incriminating evidence against him and the recovery if any, has been effected from the co-accused and not from the petitioner.

4. Learned State counsel does not dispute the aforesaid facts however, submits that the petitioner is a habitual offender having two more cases against him.

5. The petitioner is behind bars for the last 9 months and 20 days. Investigation already stands concluded.

6. I have heard counsel for the parties and have gone through the records of the case.

7. Keeping in view the nature of the allegations levelled against the petitioner and the period of incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

15-04-2024

spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No