

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22692-2024
Date of Decision.:07.05.2024

Tirath Ram	Petitioner
Vs.	
State of Punjab	Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ravi Malhotra, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.33 dated 31.03.2024 registered under Sections 379-B, 120-B, 411 of the IPC registered at Police Station Nakodar City, District Jalandhar.

2. FIR was lodged on the complaint of Balwinder Kaur as per which on 31.03.2023 at about 11:30 a.m. she was standing along with her son-in-law Ajay Kumar in the area of Jalandhar Bypass, Nakodar, when three persons came on a motorcycle bearing registration No.PB-08-FH-6933 and the persons sitting at the back snatched her mobile make Redmi having sim no.62398-83867 and fled away. She came to know that Keshav son of Gurdeep Chand was registered owner of the motorcycle No.PB-08-FH-6933 and so, she was sure that her mobile had been snatched by Keshav in connivance with his two unknown companions. It was further stated by her

that she could identify the snatchers if produced before her. During investigation, Keshav, the registered owner of the motorcycle was arrested on 31.03.2023 itself. The motorcycle used in the crime and the mobile were recovered. He nominated Hans Raj @ Gora and Tirath Ram to be his companions. Hans Raj @ Gora was also arrested on 01.04.2024.

3. It is contended by learned counsel that petitioner has been falsely implicated on the basis of disclosure statement suffered by co-accused Keshav; that petitioner is Painter by profession and has never been involved in any such activity. Learned counsel further submits that it is improbable that complainant enquired at her level and came to know that the registered owner of the vehicle was Keshav.

4. Notice of motion.

5. Mr. Amandeep Singh, DAG, Punjab accepts notice on behalf of respondent- State.

6. Learned State counsel has drawn attention towards the fact that occurrence took place on 31.03.2024 and that registered owner of the motorcycle i.e. Keshav was arrested on the same date. After consulting the Investigating Officer, learned State counsel also informs that even the disclosure statement of co-accused Keshav was recorded on the same date, in which he had nominated the petitioner to be his companion. Besides it has been specifically stated by the complainant that she could identify the snatchers if produced before her and therefore, custodial interrogation of the petitioner will be necessary for establishing his identity.

7. After hearing both the sides and considering the facts and circumstances as noted above, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner, having regard to the nature of allegations against him. Simply because recovery of snatched mobile has already been effected, cannot be a ground to allow the anticipatory bail as the gravity of the offence and the nature of allegations, cannot be ignored.

Dismissed.

(DEEPAK GUPTA)
JUDGE

May 07, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No