



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

CRM-M No.24229 of 2024 (O&M)

Date of decision: 1st July, 2024

Pankaj Kumar @ Bablu

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lakshay Bector, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.23883 of 2024

In view of the averments made in the application and in the interest of justice, the same is allowed and the date of hearing in the main case is advanced from 27.08.2024 for today.

CRM No.24286 of 2024

The instant application has been filed for placing on record the amended memo of parties, in compliance of order dated 21.05.2024.

In view of the averments made in the application and in the interest of justice, the same is allowed and the amended memo of parties is taken on record.

Mr. Saurav Kanojia, Advocate puts in appearance and files his power of attorney on behalf of the newly added respondent No.2.

CRM-M No.24229 of 2024

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.6 dated 05.02.2024 under Sections 379-B, 34 of the IPC (Section 411 IPC added later on) registered at Police Station PAU, District Ludhiana.

2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to Annexure P-2, which is an affidavit given by none other than the complainant, wherein he has categorically deposed that though he had lodged the FIR in question against two unidentified persons, who had allegedly robbed him of his mobile phone, however, he had not identified the petitioner nor was the petitioner one of those two unidentified persons, who had robbed the complainant of his belongings on the fateful day. Learned counsel has further submitted that similarly situated co-accused has already been extended the concession of regular bail by a Coordinate Bench of this Court vide order (Annexure P-3) dated 24.04.2024. It has also been brought to the notice of this Court that investigation in the case at hand is complete and charges have not yet been framed, hence, in the circumstances, further incarceration of the petitioner would serve no useful purpose.

3. Learned counsel appearing on behalf of respondent No.2 has not disputed the submissions made by the learned counsel for the petitioner and also the contents of the affidavit (Annexure P-2).



Furthermore, he also does not oppose the prayer made by the counsel opposite for extending the concession of bail to the petitioner.

4. Learned State counsel, however, has opposed the prayer and submissions made by the counsel opposite. He, on instructions from ASI Dimple, has submitted that the complainant was put under the fear of death and thereafter, robbed of his mobile phone. He, however, on further instructions, has not disputed that the investigation in the case in hand is complete and the FIR in question was indeed registered against unknown persons.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove and in view of the specific affidavit given by the complainant, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 1, 2024
rps

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