



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

106+236

CRM-M-28356-2024 (O&M)

Date of decision: 25.07.2024

PARDEEP KUMAR ALIAS ABHI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pardeep Sharma, Advocate for
Lokesh Vohra Advocate
for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.282 dated 12.12.2022 under Sections 379-B, 201, 34, 411 of the IPC registered at Police Station Moti Nagar, District Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case; there is no material to connect the petitioner with the crime in question which took place on 12.12.2022. It has been submitted that a perusal of the FIR which has been annexed as Annexure P-1 further reveals that the petitioner was not even named therein and rather it had been alleged that two unknown persons came on a motorcycle and thereafter snatched the mobile handset along with DNB Bank's credit card and the driving licence of the foreigner. It has been submitted that since the



investigation in the present case is complete and even challan stands presented, further incarceration of the petitioner in the present case would serve no useful purpose. On a pointed query put to the learned counsel as to whether the petitioner is involved in any other criminal case it has been replied in the affirmative, however, learned counsel has submitted that the petitioner had already been released on bail in those two cases. He further submits that the petitioner has been in custody since 04.01.2023 and there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel has vehemently opposed the the prayer and submissions made by the counsel opposite. He has, on instructions, submitted that the petitioner has previously been involved in three other criminal cases though in one of those cases he has since been acquitted. The petitioner was on bail in the other two pending criminal cases when he yet again committed the crime in question. Learned State counsel has still further submitted that the petitioner is a habitual offender as is evident since he is involved even in case registered under the NDPS Act. Furthermore, it has been controverted by the learned State counsel that there was no cogent material to connect the petitioner with the crime in question rather it has been asserted that there was CCTV footage retrieved from the place of occurrence wherein the petitioner was clearly visible committing the crime. It has also been submitted by the learned State counsel that since the petitioner has criminal antecedents he be not enlarged on bail as there is every likelihood that he could yet again be



involved in similar offences or even try to intimidate the witnesses. Custody certificate dated 24.07.2024 has been filed by learned State counsel in Court today is taken on record.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The FIR in question came to be registered at the instance of the complainant wherein he alleged as under:-

“Statement of Madhu son of Ram Sagar Pandey resident care of plot number 2790/5 transport Nagar Delhi GT Road superhit pakoda shop Ludhiana age 29 years mobile no 6284518922. Stated that I am resident of above mentioned address and I have a shop at the above mentioned address in the name of Madhu Tempo and truck service and transport. Today in the evening at 5:05 PM, I was in my office when around 5:35 PM I came out of my office I saw that one foreigner boy was standing who was surrounded by many people when I asked foreigner boy his name he told his name as Espen Lillian, son of Lars r/o Norway over Lerkeveg 27 jesshein mobile number +4790774854 Siri Haugli, on my asking, said person told that I am a cyclist I have come I am come here on cycle on world tour and super shop and I was talking on my mobile phone iPhone X with somebody. Then two people came on a motorcycle from my behind who snatched my mobile phone and ran away on the said mobile phone, my number +4795039026 was working and on the backside back cover of the mobile phone. There was one DNB bank's



credit card and driving license. Then I took this person to the police station for information and i have come to you, and got my statement recorded. Legal election may be taken against the snatchers. statement got recorded, heard and is true. Signed Pandey Je 6284518922 for espen. lilleenfen verification, Anil Kumar ASI police station, Moti Nagar, Ludhiana date 12 December 2022.”

No doubt the petitioner is not named in the FIR however, as submitted by the learned State counsel there is *prima facie* evidence in the shape of CCTV footage wherein he is stated to be clearly visible.

Be that as it may, this Court would not be inclined to extend the concession of bail to the petitioner moreso when the complainant is yet to be examined in the instant case.

6. Accordingly, the instant petition is dismissed. 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 25, 2024
poonam

Whether speaking/reasoned:	Yes
Whether reportable:	No