

59

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29238 of 2024
Reserved on: 11.07.2024
Pronounced on: 30.07.2024

Keshav Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
33	31.03.2024	City Nakodar District Jalandhar Rural	379-B, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts of the case are being taken from reply dated 11.07.2024 and the relevant paragraph(s) of the same reads as follows:

“4. That the brief facts of the matter are that on 31.03.2024, the complainant namely Balwinder Kaur recorded her statement to the Police, wherein, she stated that due to illness, the complainant has been receiving medical treatment from Kamal Hospital. On 31.03.2023, at approximately 11:30 AM, after taking medicine from Kamal Hospital, the complainant, along with the complainant's son-in-law namely Ajay Kumar was standing at the Jalandhar bypass bridge near Nakodar, adjacent to Kamal Hospital. At that time, three persons had came on a motorcycle, make Platina, bearing registration no. PB-08- FH-6933, colour black.

The complainant further stated that the person seated on the pillion seat of the motorcycle forcibly snatched the complainant's mobile phone, make Redmi, with SIM No. 62398-83867, and fled towards Shankar Chowk, Nakodar.



The complainant and Ajay Kumar attempted to locate the above-said persons on their own but were unsuccessful. Subsequently, a reliable source informed the complainant that the owner of the motorcycle with registration number PB-08-FH-6933, make Platina, is Keshav Kumar (i.e present petitioner) S/o Gurdeep Chand, R/o Smailpur, Police Station Mehatpur, District Jalandhar.

The complainant further stated that she has a strong belief that the mobile phone was snatched by Keshav Kumar in collusion with two unknown persons and the complainant can identify the alleged persons, if they are presented before the complainant. Therefore, the complainant requested to take legal action against the above-said persons."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes bail and in support thereof, has referred to relevant paragraph(s) of the reply which reads as under:

"11. That the specific role of the present petitioner in the above- said FIR is that on 31.03.2023, the complainant along with the complainant's son-in-law namely Ajay Kumar was standing at the Jalandhar bypass bridge near Nakodar, adjacent to Kamal Hospital and at that time, the above-said accused persons came on a motorcycle, make Platina, bearing registration no. PB-08-FH-6933, colour black and the person sitting as pillion rider on the said motorcycle (later on identified as co-accused Hans Raj) snatched the mobile phone, make Redmi, with SIM No. 62398-83867 of the complainant.

During the course of investigation, it was revealed that the present petitioner is the owner of above- said motorcycle and the co-accused Tirath Ram @ Goldy @ Sajan was driving the motorcycle, the present petitioner was sitting behind Tirath Ram @ Goldy @ Sajan and the co- accused Hans Raj was pillion rider, who snatched the mobile phone of the complainant, which has been recovered by the Police from accused Hans Raj upon his arrest by the Police."

6. Although a perusal of the evidence collected so far points out the petitioner's involvement, however, at this stage, this Court is concerned with bail for which the parameters are entirely different.

7. As per paragraph 6 of the bail petition and reply dated 11.07.2024, the petitioner has been in custody since 31.03.2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Although a perusal of the evidence collected so far points out the

petitioner’s involvement and this Court is concerned with bail for which the parameters are entirely different.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

CRM-M-29238-2024

4

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.07.2024

Sonia Puri

Whether speaking/reasoned: Yes

Whether reportable: No.