

CRM-M-30511-2023

1 2024:PHHC:027323

210 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30511-2023
Date of Decision:27.02.2024

Karan Rajput @ Karan

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Sahil Vashishat, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

[1] Status report by way of affidavit of Jayant Puri, IPS, Assistant Commissioner of Police (North), Ludhiana has been filed on behalf of respondent-State. The same is taken on record.

[2] Through this petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner, in FIR No. 141 dated 30.11.2022, under Sections 379B(2), 148 and 149 of IPC and (Section 411 of IPC added later on) registered at Police Station Daresi, District Ludhiana, wherein the petitioner has been implicated on the statement of Dimmy, son of Balram Kumar, Resident of G-5/935/2 Main Road Sakhewal Mohalla Pritampuri, Police Station Daresi, Ludhiana aged about 34 years, Mobile No. 7009928147, which is as follows:-

“Stated that I am resident of above said address from the last 10 years. I am married person and my marriage took place around 9 years ago. I have two daughters. I have a

shop in the name of Balram Telecom. Today on 30.11.2022 at about 7.20 AM when I was opening my shop then 6-7 persons who were riding two wheelers and having sharp edged weapons assaulted me and one of them lifted the bag which was lying near me and then I shouted for help. The above said persons left the place and ran away by taking my money and mobile phones. Kindly initiate/take the legal action as per law against the above said unknown persons.”

[3] Learned counsel for the petitioner submits that the implication of the petitioner is based on the disclosure made by the co-accused namely Pritpal and Mukesh and no recovery has been effected from him. He further points out that the petitioner is not involved in any other case and thus, deserves the concession of anticipatory bail especially when the other co-accused namely Pritpal, Mukesh and Bobby have been granted the concession of regular bail by the trial Court.

[4] The abovesaid prayer has been opposed by learned State counsel, keeping in view the manner in which the offence is committed, besides it the recovery of eight mobiles is yet to be made.

[5] I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

[6] In the present case, the allegation were levelled against the petitioner that he along with other co-accused had assaulted the complainant and snatched bag carrying cash as well as mobiles from him, while he was opening his shop in the morning on the day of incident. Considering the nature of allegations levelled in the FIR besides, the same being on rise in the present scenario and the fact that all the three other accused namely

Pritpal, Mukesh and Bobby have specifically named the petitioner being one of the perpetrators in the offence and the eight mobiles snatched from the complainant are yet to be recovered, besides some cash as well. In the considered opinion of this Court, the custodial interrogation of the petitioner is required.

[7] I do not find any ground for grant of anticipatory bail to the petitioner.

[8] Accordingly, the present petition is dismissed.

27.02.2024
monika

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>