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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40822-2024 (O&M)
Date of Decision:- 10.09.2024

NISHAN SINGH

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ramnish Puri, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 09.09.2024 filed in the form of an affidavit of Assistant Commissioner of Police, (North), Amritsar City is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. By way of present petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
130	19.07.2024	303 and 304 of the BNS, 2023; (later on 303 IPC deleted and 25 of the Arms Act added on)	Civil Lines, District Amritsar

4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in the case on the alleged disclosure statement of Aman Singh alias Suraj. He contents that the petitioner is not having any criminal antecedents and has been wrongly named in the present case, although, he has no concern with the alleged transaction. Hence prayed for grant of anticipatory bail.

5. *Per contra*, learned State counsel while referring to the status report submitted by State has assailed the arguments advanced by learned counsel for the petitioner and submitted that the petitioner had actively participated in the crime and has been attributed specific role in the FIR. He contends that in the FIR, the petitioner has been mentioned as Manak alias Guri and later the police came to know about his actual name, which is Nishan Singh @ Guri. It is submitted that as per the disclosure statement given by co-accused Aman Singh alias Suraj, the mobile phone snatched by them, is in possession of the petitioner, and its recovery from the petitioner is yet to be effected, therefore, his custodial interrogation is required. Hence, prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of secret information to the effect that two youngsters, namely Aman Singh alias Suraj and Manak alias Guri (present petitioner) were actively involved in the commission of snatching and theft and were roaming in the area. During the course of investigation, co-accused Aman Singh alias Suraj was arrested and a motorcycle was recovered from him. Upon search of the said motorcycle, a *datar* wrapped in a polythene bag was also recovered. During his



interrogation, he disclosed that he had been committing snatching with the petitioner and that the phone snatched from one person is also in possession of the petitioner. It was also transpired that the actual name of the petitioner is Nishan Singh alias Guri and not Manak alias Guri, which has been clarified in the status report submitted by the State.

7. Therefore, considering all these circumstances, it transpires that the custodial interrogation of the petitioner is required to recover the snatched articles and taking into consideration the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

10.09.2024

S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |