



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-42223-2024
Date of decision: September 4th, 2024

Rajat Gupta
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.109 dated 23.05.2024 under Sections 379-B and 411 of the IPC registered at Police Station Focal Point, District Police Commissionerate, Ludhiana.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the instant case is evident from the fact that even as per the case of the prosecution, two unknown persons came on a motorcycle without any number plate, and snatched the mobile handset of the complainant; the complainant did not immediately lodge any FIR and instead made his own inquiries and later, learnt that the petitioner was probably one of the alleged snatchers. Learned counsel submits that it was after an unexplained delay of two days that the FIR in question was lodged. It has still further been submitted that the petitioner has no criminal antecedents, which further lends credence to

his false implication in the present case. It has still further been urged by the learned counsel that the investigation in the present case is complete as challan stands presented, however, charges have not yet been framed, hence, there is no possibility of the trial concluding in the near future as almost ten witnesses have been cited by the prosecution.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the submissions made by the counsel opposite and has conceded that it was after two days that the FIR in question came to be registered, wherein the complainant alleged that he suspected the involvement of the petitioner in the crime in question, after he had made inquiries at his own level. Learned State counsel has placed on record the custody certificate of the petitioner, wherein it stands reflected that the petitioner is not involved in any other criminal case. Learned State counsel has also not disputed the stage of trial.

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

5. Before proceeding further, it would be apposite to reproduce the contents of the FIR, which are as under:-

“Statement of the Rajiv Yadav son of Hosla Yadav resident of village Chanodki, Police Station Munshiganj, District Amethi, U.P presently residing at Baldev Factory, Tower no.7, Hamton Homes, Business Park, Chandigarh road, Police Station Focal Point, Ludhiana, aged about 40 years Mob. No.95865-42300. Stated that I am resident of above said address and I am posted as a supervisor at Baldev Factory, Tower no.7, Hamton Homes, Business Park, Chandigarh road, Police Station Focal Point, Ludhiana and on dated 20.05.2024 during the lunch hour, I was walking towards Dabha to have lunch while talking on phone, that time was around 1 PM, I was near Dainik

Jagran cut at phase 8, focal point, Ludhiana. Then from Kohdaside, on motorcycle make hero Splendor, Black without number came on which two hair cut person were riding, then they snatched the mobile phone mark One+ C-3, Colourblack on which I was talking and fledaway towards focal point side. Till today, I have been searching for on my own, on investigation, I found that Brij Kishore Pal alias Golu, son of Ram Parvesh Pal, resident of Main Market, Sarpur, Ludhiana and Rajat Gupta, son of Krishna Gupta, resident of Street No. 2, Baba Deep Singh Nagar, Sarpur, Ludhiana have taken away my mobile phone, which I can identify when it appears. In regard to which today I was going to inform you and you have met me. I get recordedmy statement to you, which is heard and is correct. Please take appropriate legal action against BrijKishore Pal alias Gelu and Rajat Gupta above.”

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

September 4th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No