



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-43941-2024

Date of decision: September 11th, 2024

Baljinder Singh @ Robin

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashok Paul Batra, 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.20 dated 18.02.2024 under Sections 379-B(2)/34 of the IPC registered at Police Station Division No.8, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that as per allegations levelled in the FIR in question, two unidentified persons, after putting the complainant under threat, snatched his mobile phone along with Aadhaar Card and some cash amount. The complainant thereafter, went about making his own enquiries and learnt that the alleged snatchers were the petitioner and co-accused Ravi Kumar. Learned counsel has submitted that the false implication of the petitioner in the occurrence in question is evident from the fact that he is not involved in any other criminal case much less a case of identical nature, coupled with the fact that other than a mobile handset, no other

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recovery much less of the snatched documents of the complainant, was affected from him. Learned counsel has submitted that since the petitioner has now been in custody for more than seven months having been arrested on 18.02.2024 and the investigation is complete, further incarceration of the petitioner would serve no useful purpose as none of the ten witnesses cited by the prosecution have been examined so far.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period as well as the stage of trial. However, learned State counsel has reiterated the allegations levelled in the FIR, which is annexed as Annexure P-1 and stands reproduced hereinunder:-

“Statement of Shaqib Naseer son of Naseer Ahmed Awan resident of village Tandar Karna, Police Station Tandar, District Kupwara Janmu Kashmir, currently resident of Verma Hospital, Near Shamshan Ghat, Civil Line Ludhiana, aged about 21 years old, Mobile No:60063-22723 stated that I am a resident of the above said address and I am working as Staff Nurse in Verma Hospital, near Samshan Chat, Civil Line Ludhiana, Main Road. That on 15/02/2024 I was going from my room to Verma Hospital for duty at around 02:00 PM. When I reached near Verma Hospital, two unknown persons came on white Activa and they stopped it in front of me and surrounded me. Thereafter a person who was sitting at back came down from Activa and took out an iron sickle from his pocket and put it on my neck. Subsequently he threatened me and forcefully took away my mobile phone brand Realmi-Narzo 50A, color blue, with 500 rupees in the cover. Further he forcefully took

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out my wallet colour black from my back pocket which contained my Aadhaar card, PAN card and important documents and also Rs. 1200. They threatened to kill me and fled from the spot. I also made a lot of noise. Till now I was enquiring on my own. Now I have come to know about the person who was driving the Activa, namely Baljinder Singh alias Robin son of Tony resident of Salem Tabari, Ludhiana, and the name of the person who was sitting at the back of the Activa La Ravi Kumar son of Raj Kumar resident of Chhoni Mohalla, Ludhiana. Today, I coming to was Chownki Kailash, Police Station Division No. 8 Ludhiana, to inform you. But I have met you near liquor shop near Dussehra Ground. Appropriate legal action should be taken against the persons riding the Activa.”

4. On further query, learned State counsel has submitted that the next date fixed before the trial Court is 23.09.2024 when the charges are likely to be framed.
5. I have heard learned counsel for the parties and perused the material placed on record.
6. As per the custody certificate placed on record by the learned State counsel, petitioner is not shown to be involved in any other criminal case. The challan has been presented and there is no likelihood of the trial concluding in the near future as charges are likely to be framed only on the next date of hearing.
7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is



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made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. 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 11th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No