

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46792-2024
Date of Decision:19.09.2024

Ved Sharma @ John ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Naveen Mahajan, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.49, dated 16.08.2023, under Section 341,379-B (2), 149,506,34 of IPC registered at Police Station Airport, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner contends that in the present case 4/5 persons had allegedly come in one car and two unknown persons on motorcycle also came and they had intercepted Kuldeep Singh, complainant and his relatives, while they were going to their village in a car. As per the allegations, purse of the complainant, containing 2900 UAE and one mobile phone OPPO Reno Pro3 were snatched from them. Learned counsel for the petitioner contends that the petitioner has neither been named in the FIR nor there is any averment, which even connectes the petitioner with the alleged crime. He further contends that the petitioner was working with his brother in a

hotel, which had been taken on lease and had no connection with the crime. Learned counsel further contends that in fact, the complainant party has entered into a compromise with the present petitioner and his co-accused Navtej Sharma, who had come on a motorcycle and had no connection with the accused, who came on car and had snatched the purse and mobile phone from the complainant. He further contends that even the complainant has not compromised the matter with the accused, who came on car and had committed the crime. He further contends that the motorcycle, which was allegedly used in the commission of crime has been recovered from the Navtej Sharma, who has already been admitted to bail by the Court of Additional Sessions Judge, Amritsar on 02.01.2024. He further contends that the petitioner was never involved in any other criminal case and is a first offender.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime.

4. Ms. Sapna Khurana, Advocate appears on behalf of complainant by filing her Vakalatna, which is taken on record and submits that the complainant has entered into a compromise with Navtej Sharma and petitioner only, who had come on motorcycle and she has no objection in case, the present petition is allowed by this Court.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. In the present case, the petitioner was not initially named by the complainant and has been nominated as an accused on the basis of the

disclosure statement suffered by the co-accused Navtej Sharma, who has already been granted the concession of bail. Moreover, the parties have entered into a compromise vide compromise deed (Annexure P-2) and this case is clealry distinguishable from the accused, who had come on the car and had snatched the purse and mobile phone of the complainant.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438 (2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438 (2) of the Cr.P.C

19.09.2024

hitesh

(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No