

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46726-2024
Reserved on: 04.11.2024
Pronounced on: 12.11.2024

Arshdeep Singh alias Arsh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
26	21.02.2024	Islamabad, Police Commissionerate Amritsar	379-B, 411, 201, 148, 149 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:

“3. That it is submitted that as per the report furnished by the Station House Officer, Police Station Islamabad, Amritsar, on 21.02.2024, the Complainant Rajesh Singh S/o Vikram Singh approached ASI Lakhwinder Singh, P.S. Islamabad, Amritsar, who recorded statement of the complainant, wherein it was alleged that the complainant serves in Kumar Hotel and at about 12:15 AM (night) the complainant by riding on his Activa Scooter bearing No. PB02-DT-0331 was going towards his house from Kumar Hotel and when he reached opposite Khalsa College near KBC IELTS center then five boys came on two motorcycles from opposite side. Three boys were with muffled faces and two were having naked faces. They slapped the complainant and snatched his Activa scooter, his phone Samsung having SIM No. 88726-93739 and his purse having Rs. 3000/- and fled away. He searched them at his own level and he can identify them if they come before him. Therefore, the aforesaid case FIR No. 26 dated 21.02.2024, under Section 379-B, 148,149 IPC, Police Station Islamabad, Amritsar was registered by ASI Lakhwinder Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the short reply.

6. It would be appropriate to refer to the following portions of the short reply, which read as follows:

"8. That it is submitted that during the course of investigation of the present case FIR No. 26 dated 21.02.2024 (supra), the present petitioner Arshdeep Singh @ Arsh was arrested on 07.03.2024 and as per disclosure statement of the present petitioner Arshdeep Singh, the snatched Aactiva scooter bearing No. PB02-DT-0331 was recovered and taken into police possession in accordance with law. The identification of the present petitioner Arshdeep Singh @ Arsh and recovered Aactiva scooter was made by the complainant Rajesh Singh vide memo. The present petitioner Arshdeep Singh @ Arsh also made disclosure statement with regard to having committed crime in the present case along with the aforesaid co-accused persons namely Gagandeep Singh Rahul Kumar; Vishal Singh, Gagandeep Singh and Gurbhej Singh @ Prince S/o Amarjit Singh.

9. That it is submitted that during investigation of the present case FIR No. 26 dated 21.02.2024 (supra), the co-accused Gurbhej Singh @ Prince was arrested on 14.03.2024 and co-accused Gagandeep Singh was arrested on 11.04.2024. The co-accused Gagandeep Singh and Gurbhej Singh also made same disclosure statement before the Investigating Officer as was made by the present petitioner Arshdeep Singh and above noted other co-accused persons. The identification of the co-accused persons namely Gagandeep Singh and Gurbhej Singh was made by the complainant and offence under Section 201 IPC was added vide GD No. 25 dated 13.4.2024 as the co-accused person namely Gagandeep Singh had thrown the snatched purse in canal and had damaged the mobile SIM card. The co-accused persons namely Gagandeep Singh and Gurbhej Singh were produced before the jurisdictional learned Court and were sent to judicial custody.

12. That it is submitted that on the basis of investigation carried out in the present case FIR No. 26 dated 21.02.2024 (supra), it revealed that the present petitioner Arshdeep Singh along with other co-accused persons with a common object had snatched Aactiva scooter; mobile phone and purse containing cash amount from the complainant. The snatched Aactiva scooter was recovered from the present petitioner Arshdeep Singh.

13. That it is submitted that during investigation of the present case FIR No. 20 dated 21.2.2024 (supra), the present petitioner Arshdeep Singh and other co-accused persons Rahul Kumar; Vishal @ Vish, Gagandeep Singh and Gurbhej Singh suffered disclosure statements with regard to having committed crime in the present case. The snatched Aactiva scooter of the complainant was recovered from the present petitioner. The identification of the present petitioner Arshdeep Singh and recovered Aactiva scooter was made by the complainant as one of the accused persons who had snatched Aactiva scooter; mobile phone and cash amount from the complainant."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 3 of the bail petition, the petitioner has been in custody since 07.03.2024. Per the custody certificate dated 02.11.2024, the petitioner's total custody in this FIR is 07 months and 22 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants

to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.