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Date of Decision: 22.10.2024

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Mr. Amandeep Singh Samra, AAG, Punjab.

1. The instant petition has been filed by the petitioner seeking concession of regular bail in case arising out of FIR No.21 dated 20.03.2024 under Sections 379-B, 342, 323, 34 and 120-B (Section 25 of Arms Act added later on) at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Briefly stated, the prosecution case is that on 20.03.2024, the complainant - Sandeep Kumar alias Seepu recorded his statement to the effect that he used to sell fruits in a cart at village Panniwala Fatta Chowk. Those fruits were stored by him in a cold store set up in a shop. On the night of 19.03.2024, he along with one Sagar had gone to the cold store for storing fruits. When they were storing the fruits, suddenly two youths came from the street. Both of them pushed the complainant and Sagar inside the shop and started hitting them with a baseball. Then while snatching his mobile phone make Oppo and cash amount of Rs.25000/- which was kept inside pocket of his kurta, they locked the complainant and Sagar inside the shop by pulling down the shutter and fled



from the spot. Sagar managed to call someone through his phone who opened the shutter. On the basis of statement of the complainant, FIR was registered. Investigation proceedings were initiated. The complainant had sustained injuries and was medico-legally-examined. The complainant subsequently suffered a supplementary statement disclosing that the accused Sanjay Kumar @ Sanju and Lovepreet Singh @ Labha had snatched mobile phone and money from him. On the basis thereof, both of them were nominated as accused and arrested. Offences under Sections 120-B and Section 25 of Arms Act, 1959 were added. During investigation, the petitioner and co-accused were apprehended and it was revealed that they had hatched a conspiracy to commit the subject offence. The complainant recorded supplementary statement taking the name of the petitioner. He was nominated as accused and was arrested on 09.04.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of a false story concocted by the police. He was not named in the FIR. Challan has been presented. The trial is likely to take time. His detention would not serve any useful purpose. He has a permanent abode. There are no chances of his absconding. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Learned State counsel has submitted on instructions from the investigating officer that the petitioner has criminal antecedents since 10 more cases of similar nature are pending as against him. There are chances of his fleeing, if extended benefit of bail. Therefore, it is urged that he does not deserve to be extended benefit of bail.



5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have perused the record.

6. The co-accused in connivance with the co-accused is alleged to have wrongfully confined the complainant and his companion Sagar on the night of 20.03.2024 and is alleged to have snatched mobile phone and cash amount of Rs.25000/- belonging to the complainant in pursuance of a criminal conspiracy hatched between all of them. He is also alleged to have caused injuries to the complainant. The petitioner is in custody since 09.04.2024. Investigation has been completed. Challan has been presented. The trial is likely to take time. The petitioner is on bail in ten other cases which had been registered against him. Registration of other cases is not a ground to deny the benefit of bail to the petitioner. There is no basis for the contention that the petitioner may abscond. Keeping in view the period of incarceration of the petitioner, on parity with the case of co-accused, nature of the subject offences and the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

22.10.2024
Deepak Patwal

1. Whether speaking/reasoned
- : Yes/No
2. Whether reportable
- : Yes/No