



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

CRM-M No.56937 of 2024
Date of decision: 21st November, 2024

Ankit
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil K. Chaudhary, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.
Mr. Kulwinder S. Dhillon, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of BNSS in case FIR No.0043 dated 01.03.2024 under Section 382 of the IPC (Sections 392, 395, 324, 412, 411, 120-B IPC added and sections 382, 392 IPC deleted later on) registered at Police Station Tripuri, District Patiala (Police Challan presented under Sections 395, 324, 412, 411, 120-B IPC)
2. Learned counsel for the petitioner submits that a false and fabricated case having been brought forth by the complainant is evident from a perusal of the FIR in question, which has been annexed as Annexure P-1. The complainant, while lodging the FIR in question, had categorically alleged that only two youths armed with Datar had

intercepted the complainant when he was returning home after closing his shop and had thereafter, robbed him of his money which he was carrying in a bag, after inflicting injuries upon his person. Learned counsel has submitted that a further perusal of the FIR clearly reveals that the complainant had not even by way of a whisper alleged that other than the two assailants on a scooter, there was any third person accompanying the co-accused. However, after 13 days of the registration of the FIR in question, the complainant made a supplementary statement alleging that the petitioner and some other persons were conspirators to the crime in question. Learned counsel has argued that in the aforementioned facts and circumstances, more so, when no Test Identification Parade (TIP) was also conducted, completely false and fabricated case having been brought forth by the prosecution is abundantly clear. It has been further argued that the petitioner has no previous criminal antecedents; investigation is complete as challan stands presented and even charges framed. Learned counsel still further submits that further incarceration of the petitioner, who has now been in custody since 13.03.2024, would serve no useful purpose more so, when it is not the case of the prosecution that the petitioner was present along with the other two co-accused, and was merely a conspirator to the occurrence in question.

3. Per contra, learned State counsel assisted by the learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Gurpreet Singh,

has not controverted that in the FIR in question categorical allegations had been levelled by the complainant that there were only two persons, who came on a scooter, waylaid the complainant and after inflicting injuries on his person, decamped with his bag containing money including foreign currency. On a pointed query put to the learned State counsel as well as learned counsel for the complainant as to whether any TIP had been carried out, it has been submitted in the negative.

4. Learned counsel for the complainant has, however, submitted that during investigation when the petitioner was presented before the Investigating Agency, the complainant had identified him as being one of the assailants. Learned State counsel, on further instructions, has not disputed that the petitioner has no previous criminal antecedents. However, it has been contended on instructions, that a recovery of foreign currency in the sum of 4,720/- Canadian Dollars had been affected from the petitioner.

5. Learned State counsel, on instructions, has also not disputed the custody period of the petitioner and the stage of trial. It has also not been disputed that the petitioner's name surfaced 13 days later from the date of alleged occurrence and therein too it was only alleged by the complainant that the petitioner was one of the conspirators to the occurrence in question.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Investigation in the present case is complete and charges also stand framed. As not disputed by the learned State counsel as well as learned counsel for the complainant, the petitioner was not accompanying the co-accused at the time of the occurrence in question. In the circumstances, further incarceration of the petitioners would serve no useful purpose, as there can be no apprehension of the petitioner intimidating the witnesses or tampering with evidence.

8. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

9. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

November 21, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No