

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.65377 of 2023 (O&M)****Date of decision : 10.01.2024**

Prabhjot @ Babbu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******

Present :- Mr. Rana Harjasdeep Singh, Advocate
for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.244 dated 27.12.2022 registered under Sections 379-B (2)/413 IPC (Sections 411 IPC added later on) at Police Station Sadar, Ludhiana.

2 Custody certificate has been filed. The same is taken on record.

3 Learned counsel for the petitioner relies upon order dated 20.11.2023 passed in CRM-M-35309-2023, whereby co-accused Anoop Kumar has been granted regular bail observing as under :-

“ 2. The facts leading to the present case have been culled out in the status report filed by way of affidavit of Gur Iqbal Singh (PPS), Assistant Commissioner of Police, Ludhiana (South) on behalf of respondent-State (in CRM-M-35309-2023) today in Court, which is taken on record, to read as under :

“i. That on 27.12.2022, ASI Avtar Singh (hereinafter referred to as "the complainant), had received confidential information. This information pointed out that the petitioner Anoop Kumar, along with Prabhjot Singh @ Babbu, Raman Kumar @ Ramandeep Kumar, and Sher Singh @ Sheru were involved in a series of

snatchings. They were snatching mobile phones and motorcycles from unsuspecting passer-by by using sharp weapons and making threats. Earlier complaints about similar incidents had been filed against them. The information mentioned their presence along the road from Village Kheru to Village Lalton Kalan. Since the information seemed trustworthy, it was documented, and a report was sent to the Police Station. This led to the registration of the present case i.e. FIR No. 244 dated 27/12/2022 initially under Sections 379-B (2) and 413 of the IPC, listing the petitioner and the three others as accused.

*ii. That acting upon the provided information, the police swiftly conducted a raid. During the same, the petitioner and one accomplice, Prabhjot Singh, were apprehended, while the other two, Raman Kumar @ Ramandeep Kumar and Sher Singh @ Sheru, managed to escape. **Upon search, the petitioner was found in personal possession of two mobile phones-Samsung and RealMe-and a sharp knife. Additionally, Prabhjot Singh was found with a sword fastened to his left leg and two mobile phones-Lava and Oppo.** Notably, the motorcycle ridden by the petitioner lacked a registration mark, and he couldn't provide satisfactory details about its ownership. Subsequently, the investigating officer formally recovered all the aforementioned items, weapons, and the unregistered vehicle, documenting each vide a separate memo.*

iii. The subsequently offence under Section 411 IPC was added in the present case.”

3. Custody Certificate has been produced today in Court (in CRM-M-35309-2023), as per which the petitioner has undergone custody of more than 10 months and 23 days as under trial.

4. Counsel for the petitioner submits that so far as the other case against the petitioner is concerned, the petitioner has earned acquittal and in the present case also the investigating agency has relied upon the statement made by one Harpreet Singh to drive home the guilt of the petitioner whereas even if taken on its face value the statement of Harpreet Singh will not implicate the petitioner in the present case as Harpreet Singh admittedly could not prove the ownership of the alleged Mobilephone.

4. State Counsel does not dispute the aforesaid factual assertions made by counsels for the petitioners based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. *In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.*

7. *Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.*

8. *A copy of this order be kept on the file of other connected case.”*

4 Learned counsel for the petitioner states that the petitioner has been in custody since 27.12.2022.

5 Learned State counsel on instructions from ASI Harvarinder Singh is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case by granting parity with co-accused and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

10.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No