



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-835-2025 (O&M)
Date of Decision:- 18.02.2025

KAWAL MASIH @ KAMAL BHATTI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Narender Kumar Vadhera, Advocate for the petitioner.
Mr. Rajinder Singh Bhatta, DAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
176	29.11.2024	304 of Bharatiya Nyaya Sanhita, 2023	Dinanagar, District Gurdaspur

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in the case. He
contends that the name of the petitioner is not mentioned in the FIR nor has
he been attributed any specific overt act in the alleged occurrence. He
submits that the petitioner is ready to join investigation and has prayed for
grant of anticipatory bail to the petitioner.



3. *Per contra*, learned State counsel while referring to the status report filed by State has strongly assailed these arguments by submitting that there is specific attribution to the petitioner in the disclosure statement of co-accused Baljit Masih of having snatched the mobile phone and ₹3000/- from the complainant, besides being actively involved in snatching of the earrings of the wife of the complainant. He submits that recovery is yet to be effected from the petitioner, for which his custodial interrogation is required, thus prays for dismissal of the petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of the complainant, that on 29.11.2024 at about 03:00 AM, while he was going towards Dinanagar along with his wife, then at about 03:30 AM, two persons came on a moped and another two persons on motorcycle, stopped them near the Hotel Management College. One of the assailant snatched the earrings from the wife of the complainant and another snatched the mobile phone along with ₹3000 from the complainant. It is averred that three assailants then ran away on the motorcycle, and the fourth person ran away on foot, as his moped could not start. Subsequently, the police arrested one Baljit Masih, who disclosed the name of other accused involved in the occurrence, and accordingly the petitioner along with Anmol and Bholu were nominated.

5. A perusal of the record would reveal that there is specific disclosure by the co-accused that the snatched mobile phone as well as cash snatched from the complainant is in the custody of the present petitioner. It



is apparent that the petitioner has actively participated in the occurrence and the recovery of snatched article is yet to be effected from him.

6. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.02.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No