106 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7402-2025
Date of Decision:07.02.2025

YATIN VERMA ...Petitioner

Vs.

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Puneet Bhushan, Advocate and
Mr. Rajat Kumar, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. *(Oral)*

1. **Relief sought**

The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the Petitioner in the FIR No. 242 dated 26.12.2024 under Sections 304(2) BNS, registered at Police Station Sadar Khanna,

2. Prosecution story setup in the present case as per the version in the FIR as under:-

> *Statement of Nisar Ahmed son of Abdul Rasheed Resident of Handwara, Tehsil Handhwara, Police Station Handhwara, District Kupwara State Jammu and Kashmir aged about 35 years phone number 98729-03977, stated that I am a resident of the above-said address, that every year during winter season I come Khanna in Punjab and sell shawls/ sweaters. On 23.12.2024, I had come to sell shawls/sweaters in the villages near Khanna city, when I was about to return back to Khanna by foot from vill. Badinpur after selling shawls/sweaters, it would be around 4:00 PM. That on outskirts of Vill. Bullepur, a young boy was sitting on*

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started motorcycle and other young boys Mulla Fashion and a turbaned boy were standing on Vill. Badinpur's Side. When I reached near them those two persons stopped me by calling me and the turbaned (sardar) man held me from back and slapped me 2/3 times on my face and the other person who believed to be Mullah Fashan boy took out a sickle and kept it on my neck. After keeping the sickle, the man forcibly took out my phone from my pocket, of Brand Vivo, color Blue, in which the SIM number was 70061-57030. I started shouting but the said persons rode their bike by pushing me, theyn rode their bike towards the main GT. Road, towards Khanna, whom I have been searching on my own so far. Today, I came to know that on 23.12.2024 at around 4:00 PM near village Bullepur, the persons who beat me up, slapped me and forcibly took my blue mobile phone from my pocket. Names of the persons: Jatin Verma son of Parmod Kumar, Gurdeep Singh son of Bindi resident village Kodi police station Sadar Khanna district Ludhiana and Krishan Singh son of Baldev Singh resident of village Libra police station Sadar Khanna district Ludhiana and the motorcycle used by them was Splendor with number PB-10FW-4290. Please take appropriate legal action against these persons and punish them. 1 have written a statement, I heard it. SD/- NISSAR AHMAD 98720-03977 Verified Correct/ AVTAR SINGH ASI Police Station Sadar Khanna Date 26.12.2024 Action Police:- Today I in presence of HC Harpreet Singh 718/Khanna along with ASI police station so I have Nisar Ahmed son of Abdul Rasheed resident of Handwara., Tehsil Handwara, Police Station Handwara, District Kuppwara The state of Jammu and Kashmir appeared and recorded its statement. The statement of which was written and read out. Who having heard and believed to be true signed his statement in English. The statement was verified by ASI. It is found to be the offense under Section 304 (2) BNS.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the petitioner was not even present on the alleged place of occurrence. He further submits that

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petitioner is not having the possession of mobile phone which is allegedly stated to be snatched by him.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer, did not oppose the instant petition since the petitioner was not present at the place on occurrence.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, as the petitioner is falsely implicated in the present case and he was also not present at the place of occurrence, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation.

5. **Decision**

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

> *"When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

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(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.02.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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