



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
231 CRM-M-12932-2025
Date of decision: 3rd April, 2025

Pankaj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Kalsi, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

1. Present petition has been filed by the petitioner, for grant of regular bail to him, during the pendency of trial, in a case arising out of FIR No.39 dated 22.06.2022, registered under Sections 379-B, 411, 34, 420, 467, 468, 471 of IPC, 1860 at Police Station GRP Pathankot, District Pathankot.
2. The aforementioned FIR was registered on the allegations that on 22.06.2022, a secret information was received by the police that the petitioner and co-accused Randhir Singh were engaged in snatching and theft of mobile phones from railway passengers at different railway stations and several cases had been registered against them. It was informed that at that point of time, they were present in the area of railway station Pathankot Cantt. and were roaming in a motorbike and that they could be apprehended, if raided immediately. On receipt of this information, a ruqa was immediately sent for registration of the FIR. A barricade was laid and the petitioner and co-accused Randhir Singh were apprehended from platform no.1 of the railway station. On conducting search, a bag containing 7 mobile phones of different brands was recovered from the possession of the



petitioner, whereas 3 mobile phones were recovered from the custody of the co-accused Randhir Singh. Both of them failed to give any explanation about ownership of those cell phones and also failed to unlock the recovered devices. The recovered phones as well as their motorbike were taken into custody and offence under Section 411 Cr.P.C. was added. The investigation now stands concluded and the petitioner alongwith co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. The trial is likely to take time. He is in custody since 22.06.2022. There was no formal complaint with regard to snatching/theft of the mobile phones that have allegedly been recovered from the petitioner. His further incarceration would not serve any useful purpose. Co-accused whose case is on similar footing, has been extended benefit of regular bail. On parity, he too deserves to be released on bail. It is further submitted that the petitioner has been acquitted in most of the cases, which were registered against him. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is argued by the learned Assistant Advocate General, Punjab, that there are serious allegations against the petitioner. He is a habitual offender and several other cases of similar nature have been registered against him. There are chances of his absconding or committing similar offences if extended benefit of bail and, thus, it is submitted that the present petition deserves dismissal.

5. I have heard learned counsel for the parties and have perused the record with their able assistance.



6. The petitioner alongwith co-accused is alleged to have been found in possession of 07 mobile phones of different brands and as per the allegations, either he had snatched or stolen these mobile phones. However, it is a debatable issue, as to whether, the ingredients for the commission of offences punishable under Section 379-B IPC are attracted at all in this case or not? The petitioner is in custody for a period of about 02 years and 09 months. The trial is likely to take a long time. As per the custody certificate, the petitioner has been acquitted in three of the cases as registered against him. Pendency of other criminal cases even otherwise is not a ground to deny benefit of bail to the petitioner. Co-accused, against whom similar allegations have been levelled, has already been granted concession of bail by this Court.

7. Thus, keeping in view the period of incarceration of the petitioner and as per the above discussed facts, but without making any expression on the merits of the case, the present petition is allowed. The petitioner is ordered to be admitted to bail in the aforementioned FIR case, subject to his furnishing personal bail bonds as well as surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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

[MANISHA BATRA]
JUDGE

3rd April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*