



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

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CRM-M-15015-2025

Date of decision: April 21, 2025

AJAY KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Chaudhary, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.12 dated 28.01.2025 under Sections 304(2), 126(2), 3(5), 309(4) of the BNS, 2023, registered at Police Station Sujampur, District Pathankot.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is no direct evidence connecting him with the commission of the alleged offence. It is submitted that FIR in question (Annexure P-1) initially registered against unknown persons and the name of the petitioner surfaced only at a later stage on the basis of disclosure statements made by co-accused Kuldeep Raj Singh and Deepak Jasrotia, who were arrested in connection with FIR No.13 dated 28.01.2025 registered under Sections 21/61/85 of the NDPS Act. It is contended that such disclosure statements, uncorroborated by any independent material, are insufficient to justify custodial interrogation or denial of anticipatory bail to the petitioner.



3. It is further submitted by the learned counsel for the petitioner that no recovery is to be effected from the petitioner and there is no evidence to show that the petitioner snatched any mobile phone, motorcycle or cash from the complainant as has been alleged in the FIR. A prayer has therefore been made to extend the concession of anticipatory bail to the petitioner as he is willing to join investigation and cooperate with the investigating agency.

4. On being put to notice, learned State counsel has filed status report by way of an affidavit of the Deputy Superintendent of Police (Dhar Kalan), District Pathankot on behalf of the respondent-State in the Court today, which is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite.

5. Learned State counsel has opposed the prayer and submissions made by the counsel opposite and has submitted that the petitioner has been specifically named in the disclosure statements of both the co-accused, wherein they have categorically stated that the petitioner was actively involved with them in planning and executing the snatching Rs.38,000/-, touch screen mobile phone Realme Narzo 60 x 5G having IMEI No.(1) 866296067101573, IMEI No.(2) 866296067101565 and a black-coloured motorcycle of the complainant, bearing registration No. PB 35 AL 4632.

6. It is further submitted by the learned State counsel that during investigation, recovery of the aforementioned motorcycle and *datar* used in the commission of the offence has no doubt been from co-accused Kuldeep



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Raj, however, recovery of other stolen articles including cash is still pending. It has also been pointed out by the learned State counsel, on instructions, that the petitioner has previous criminal antecedents and is facing trial in a case under the NDPS Act; he was on bail in a case registered under the NDPS Act, when he yet again participated in another crime. Thus, it is contended that the petitioner has misused the concession of bail earlier granted to him and therefore, does not deserve the concession of anticipatory bail.

7. I have heard learned counsel for the parties and perused the relevant material placed on record including the FIR in question, which stands reproduced hereinunder: -

“Statement of Rajesh Kumar, son of Banarsi Das, resident of Jalakhri Mohulla, house number 296, ward number 07, police station Sujanpur, district Pathankot, age about 42 years, mobile number 6005002811, stated that I am a resident of the said address and I have my own junk shop and I close my shop every day and on my motorcycle No. PB-35-AL-4632 brand Splendor color black gray but was riding home at around 7:00 pm I reached in front of Ashok Leyland Truck Agency, there were three young playing an Activa on the side with scuffled face stood in front of my motorcycle and stopped me and I stopped my motorcycle on the road and I tried to ran away. They took me to the side and snatched my sale money about 38000



thousand rupees from my pocket and my mobile phone Realme Narzo 60x 5G touch screen IMEI2:866296067101565 was IMEI1:866296067101573, snatched and my motorcycle was also snatched and escaped with there scooty. A boy was standing outside the agency and called my brother Rakesh Mahajan asking for a mobile phone and after a while my brother Rakesh Kumar also came and I told him the whole thing and we both were going to the police station to report that we have found yourself and action should be taken against the unknown persons. Statement has been rad and found correct.”

8. It emerges from the material on record that the petitioner's name has been specifically mentioned in the disclosure statements of the co-accused persons, who were arrested in another case under the NDPS Act, wherein they detailed the role of the petitioner in the planning and execution of the occurrence in question. These statements led to the petitioner being nominated as an accused in the present FIR vide rapat No.22 dated 29.01.2025.

9. The complainant has corroborated the occurrence through his supplementary statement, wherein he alleged that he was not only robbed of his cash, mobile phone and motorcycle, but was also assaulted and threatened for extortion of larger sums of money. The acts attributed to the accused persons are grave in nature and have wide repercussions on public safety and law and order.



10. Importantly, the recovery of a significant part of the stolen articles is still pending, and the custodial interrogation of the petitioner may be crucial for the same. Furthermore, the antecedents of the petitioner reveal that he is already involved in other criminal cases under the NDPS Act. Of a particular concern is the fact that the petitioner was on bail in a case under the NDPS Act, when the present offence was allegedly committed.

11. The nature of the allegations, the pending recovery and the antecedents of the petitioner weigh against him from being granted the extraordinary concession of anticipatory bail.

12. Accordingly, the instant petition stands dismissed.

13. 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.

April 21, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*