

SHIVAM ALIAS BERI VS STATE OF PUNJAB etc.

Present: Sh. Neeraj Luthra Advocate for the applicant/accused.
Sh. Sachin Azad Addl. PP for the state

1. Heard on bail application filed under section 439 Cr.pc by applicant/accused Shivam @ Beri son of Rajinder Singh in FIR No. 228 dated 26.08.2018 under section 379-B/34 IPC PS Divn no. 6 Jalandhar.

2. On 26.08.2018, Jatin complainant made statement to the police to the effect that three persons on an Aactiva Scooter snatched his mobile phone mark Vivo V-9 bearing Sims number 97798-58575 and 62397-26051 today at about 8.15 PM near Asha Vidya School, Lajpat Nagar. On the basis of this statement, FIR was registered against unknown persons. During the course of investigation, applicant/accused Shivam @ Beri and co accused Amandeep were apprehended by police in another case FIR number 184/2019 PS Divn no.6 Jalandhar and allegedly confessed about the commission of this crime also. They were thereafter nominated in this case.

3. Sh. Deepak Malik Advocate has argued that applicant/accused is innocent. He has been falsely booked in this case on the basis of alleged disclosure statement, which is inadmissible in evidence. No recovery was effected from him. He is in custody since long. He should be granted bail.

4. On the other hand, Ld. APP for the state opposed the bail application and has argued for dismissal of the same.

5. I have considered the respective submissions and have gone through the police record.

6. FIR was registered against unknown persons . Number of the scooter used by the assailants to commit the crime was not mentioned in the FIR. Applicant/accused was arrested in another FIR number 184/2019 and allegedly suffered disclosure statement confessing the commission of the present crime. No recovery however was effected of the mobile phone in question in consequence of the said statement. His involvement has been done only on the basis of the disclosure statement, evidentiary value of which will be considered at appropriate stage. Considering all these facts, bail application is allowed and applicant/accused is admitted to bail on furnishing personal bonds in the sum of ₹ 30,000/- with one surety in the like amount. As per the request of learned counsel for the applicant/accused and considering the prevailing circumstances arising due to outbreak of Covid 19, applicant/accused is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.30,000/- before Superintendent, Central Jail, Kapurthala. Accused will furnish personal bonds/surety bonds before concerned court, within 1 month, when the situation turns normal. Superintendent, Central Jail, Kapurthala is directed to send the personal bonds furnished by the accused to this court. Bail application is accordingly allowed. Copy be sent to Superintendent, Central Jail, Kapurthala . Papers be attached with the main file.

Date of Order: 03.06.2020
*Dimple khosla**

(Khem Karan Goyal)
Addl.District and Sessions Judge-IV
UID NO . PB00117

