



2026:PHHC:068920



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CRM-A-623-2025 (O&M)

-1-

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

CRM-A-623-2025 (O&M)

Date of Decision : 24.04.2026

State of UT, Chandigarh

... Applicant/appellant

Versus

Karan @ Kanan

... Respondent

CORAM : HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. J.S. Toor, Senior Advocate with
Mr. Adhiraj Toor, Advocate for UT, Chandigarh.

H.S. Grewal, J.(Oral)

1. The present application has been filed by the State under Section 378(3) Cr.P.C. seeking leave to appeal against the judgment dated 11.12.2024 passed by learned Additional Sessions Judge, Chandigarh, whereby the respondent was acquitted in case arising out of FIR No.183 dated 22.09.2021, registered under Sections 379-A and 411 IPC at Police Station Sector-26, Chandigarh.

2. The case of the prosecution is that on 22.09.2021, the complainant-Dalip Kumar, who was working as a private driver, made a written complaint to the police, alleging that at about 5:30 PM, when he had gone to an ice-cream vendor along with his son, the accused/respondent approached him and asked for his mobile phone. Upon refusal, the respondent allegedly snatched his mobile phone (make Mi 9 Pro) along with ₹700/- and



2026:PHHC:068920



2026:PHHC:068920

CRM-A-623-2025 (O&M)

-2-

fled from the spot. On the basis of such information, the aforesaid FIR was registered against the accused/respondent.

3. Upon completion of investigation, challan was presented against the respondent and charges were framed against him under Sections 379-A & 411 IPC to which he pleaded not guilty and claim trial.

4. In order to prove the allegations against the accused/respondent, the prosecution examined PW1 Dalip Kumar (complainant), PW2 HC Arun Kumar, PW3 SI Sukhdev Singh and PW4 Gurpreet Singh.

5. After closing the prosecution evidence, the statement of the accused/respondent under Section 313 Cr.P.C. was recorded wherein he denied all the allegations and pleaded innocence.

6. After considering the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court observed that the prosecution had failed to prove its case and the respondent was acquitted of the charges by giving him the benefit of doubt.

7. Learned counsel for the applicant/appellant submits that the trial Court erred in acquitting the respondent while there was sufficient material to prove his guilt. It is submitted that the prosecution had duly proved the occurrence through the testimony of the complainant, who specifically identified the respondent as the person who had snatched his mobile phone and alleged cash. It is further submitted that the stolen mobile phone was recovered from the possession of the respondent during investigation and the said recovery fully supports the prosecution version. It is thus prayed that leave to



CRM-A-623-2025 (O&M)

-3-

appeal be granted, the judgment of acquittal be set aside and the respondent be convicted in accordance with law.

8. I have heard learned counsel for the applicant/appellant and have carefully perused the material available on record.

9. A plain reading of the judgment shows that the trial Court, while acquitting the respondent, observed that although the complainant (PW1) identified the respondent but his statement contained important inconsistencies. The description of the stolen mobile phone differs at various stages such as in the initial complaint, the recovery memo, and the invoice placed on record. These discrepancies are not minor, as the identity of the stolen property is central to the prosecution's case.

10. Furthermore, the prosecution relied on the IMEI number, however, it failed to clearly prove that the recovered phone was the same one allegedly snatched from the complainant.

11. Moreover, the recovery itself becomes doubtful because no independent witness was associated, even though the recovery was made from a public place. The explanation given by the prosecution for this is not convincing. It is also important that the alleged stolen cash amount of ₹700/- was not recovered from the respondent, which further weakens the prosecution case.

12. In view of the above facts and circumstances of the case, this Court is of the considered view that the trial Court properly appreciated the evidence and its findings are neither perverse nor illegal because the possibility of false implication or mistaken identity cannot be ruled out.



2026:PHHC:068920



2026:PHHC:068920

CRM-A-623-2025 (O&M)

-4-

13. Consequently, the judgment of the trial Court acquitting the respondent by giving him the benefit of doubt is upheld and the leave to appeal is hereby declined.

14. Pending application, if any, shall stand disposed of accordingly.

24.04.2026

Janki

(H.S.GREWAL)
JUDGE

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