

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

**CRM-M No. 12067 of 2019
Date of Decision:-14.05.2019**

Neeraj Bhatti @ Nannu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. I.P.S. Kohli, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.9 dated 30.1.2019, under Sections 323, 324, 34 IPC and Sections 452 and 379-B IPC (added later on), registered at Police Station Talwara, District Hoshiarpur. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 15.3.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that as per the allegations made by complainant- Ashok Kumar,

the petitioner namely, Neeraj Bhatti had snatched the chain of Sonia (wife of the complainant). Subsequently, in response to the call given by the accused, the complainant went to see him at Deepak Dua's shop, however, as the accused was engaged in talk with someone else he left the spot and lastly on the same day, the beatings were given by accused to the complainant. According to him, initially the FIR was registered for the offences punishable under Sections 323 and 324 IPC and subsequently offences punishable under Sections 452 and 379-B IPC were added.

Notice of motion for 14.05.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

On the other hand, learned State counsel, who is assisted by ASI Gurwinder Singh, opposed the prayer for grant of relief to the petitioner on the ground that the alleged chain is yet to be recovered.

The rival submissions have been heard and considered and this Court finds that the occurrence took place on 27.1.2019 and the complaint

was given on 28.1.2019, whereupon FIR was recorded on 30.1.2019. The allegations regarding snatching of chain and house trespass were there, however, initially in the FIR these offences punishable under Sections 452 and 379-B IPC were not incorporated. The additions were made on 05.2.2019.

Considering the allegations in the FIR and totality of the circumstances, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary. Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 15.3.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

May 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No