

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

105

**CRM-M-7060 of 2020
Date of decision: 17.02.2020**

Noni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Varinder Basa, Advocate
for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C') for grant of anticipatory bail in case FIR No. 51 dated 17.09.2017 registered under Sections 379-B and 411 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station GRP Pathankot, Tehsil Batala, District Gurdaspur to which Sections 420 and 473 of the IPC have been added lateron.

As per the prosecution version on 17.09.2017, the petitioner along with his co-accused snatched purse containing mobile phone and amount of Rs. 2000/- from complainant Bimaljeet. Co-accused Lovejeet Singh was apprehended on the spot. On arrest, the petitioner was granted regular bail by Additional Sessions Judge, Gurdaspur on 11.01.2018. Subsequently, Sections 420 and 473 of the IPC have been added on which the petitioner applied for grant of anticipatory bail. The petitioner was granted interim anticipatory bail by learned Additional Sessions Judge, Gurdaspur vide order dated 16.09.2019 with direction to join the investigation. Subsequently on

failure of the petitioner to join the investigation his anticipatory bail application was dismissed by learned Additional Sessions Judge, Gurdaspur vide order dated 01.10.2019. Now the petitioner has filed present petition for grant of anticipatory bail.

Learned Counsel for the petitioner has submitted that the petitioner was suffering from Dengue and could not join investigation and could not furnish bail bonds before the Investigating Officer. The petitioner is ready to join the investigation and may be ordered to be released on anticipatory bail.

The petitioner was granted interim anticipatory bail by learned Additional Sessions Judge, Gurdaspur vide order dated 16.09.2019 with direction to join the investigation. The petitioner did not join investigation on which his application for anticipatory bail was dismissed vide order dated 01.10.2019. The petitioner has filed the present petition on 13.02.2020. There is no plausible explanation for failure of the petitioner to join the investigation and also for the delay in filing of the present petition.

Keeping in view the facts and circumstances of the case and in view of default on the part of the petitioner to join investigation without any plausible explanation and possibility of the petitioner again absconding but without commenting on merits, I am of the considered view that the petitioner does not deserves grant of concession of extraordinary relief. Therefore, the petition is dismissed.

17.02.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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