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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19747-2020
Date of decision: 21.07.2020

Kamal Kumar and another

.....Petitioners

V/s.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ravi Gakhar, Advocate, for the petitioners.

Mr. Mehardeep Singh Dullat, Additional Advocate General,
Punjab.

Sanjay Kumar, J.

The petitioners are the accused in FIR No. 157 dated 01.06.2020 on the file of Police Station Salem Tabri, District Ludhiana, registered under Sections 323,324,506,427,379-B and 34 IPC. By way of this petition, they seek anticipatory bail under Section 438 Cr.P.C.

The petitioners were initially granted interim anticipatory bail by the learned Additional Sessions Judge, Ludhiana, but the same came to be cancelled on 15.07.2020 by the learned Additional Sessions Judge on the ground that the snatched article/cash had not been recovered due to the uncooperative attitude of the petitioners. Perusal of the record reflects that it was only by way of a supplementary statement, given 10 days after the registration of the FIR, that the complainant alleged that his mobile phone

and a sum of Rs. 8,000/- had been snatched from him by the accused. The case of the petitioners was that they had not resorted to any such snatching.

That being so, recovery of the article/cash snatched, if any, cannot be procured through force or coercion. It is for the prosecution to prove its case and custodial interrogation cannot be resorted to only for the purpose of forcible recoveries. Cancellation of the interim anticipatory bail on that ground was therefore not tenable.

The petition is accordingly allowed directing the release of the petitioners on bail in the event of their arrest in FIR No. 157 dated 01.06.2020 on the file of Police Station Salem Tabri, District Ludhiana, subject to the petitioners furnishing a personal bond for a sum of Rs. 20,000/- each, along with two sureties for a like sum each, to the satisfaction of the Investigating/Arresting Officer. Further, the petitioners shall abide by the other conditions prescribed under Section 438(2) Cr.P.C.

(SANJAY KUMAR)
JUDGE

21.07.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no