

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103)

CRM-M-25097 of 2021

Date of Decision: 02.07.2021

Vikram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Piyush Sharma, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.134, dated 26.08.2020, having been registered at Police Station Mallanwala, District Ferozpur, alleging therein the commission of offences punishable under Sections 379B, 323 and 34 of the IPC.

Learned counsel for the petitioner submits that the petitioner has been accused by the complainant (in the FIR) of having attacked the complainant (along with his companions) and of having hit him with a *Sotaa* (stick) on the back of his head; and thereafter having slapped him and grabbed Rs.8,000/- from his pocket, with therefore offences punishable 379B and 323 of the IPC alleged to have been committed as per the FIR, read with Section 34 thereof.

Learned counsel submits that the petitioner has been wholly falsely roped in due to political rivalry; and even if the allegations in the FIR are to be prima facie accepted at face value, as a

matter of fact no offence punishable under Section 379B is made out, because the motive behind the attack was to “teach the complainant a lesson” for supplying information against the accused and therefore it was not for the purpose of committing any theft and consequently, though actually there is no proof of any amount of Rs.8,000/- even being possessed by the complainant at the time of the alleged attack, however, obviously even if that allegation is taken at its face value, the money was taken only after the attack, with the motive aforesaid, and not with the motive of any theft. Hence, he submits that the offence of snatching is not made out even as per the definition thereof as given in Section 379A (1) of the IPC.

Consequently, he submits that even though a simple injury may have been sustained by the complainant, obviously only an offence punishable under Section 323 of the IPC will be made out, which is a bailable and non-cognizable offence, and therefore the petitioner deserves to be admitted to bail.

Having considered the matter, even if the contention of counsel for the petitioner is accepted to the extent that an offence punishable under Section 379B is not made out, (with no comment actually made on that contention by this court), yet the allegation of the complainant being that Rs.8,000/- were actually snatched from him, *prima facie* at least an offence punishable under Section 379 of the IPC would be made out, which is a cognizable offence and is non-bailable.

Consequently, without making any comment on the actula

merits of the case, grant of pre-arrest bail being a concession to be granted only in circumstances where the court is of the opinion that it would amount to injustice to deny such bail, and the allegation in the FIR being of an attack by the petitioner and his companions on the complainant, with an injury also inflicted on him and Rs.8,000/- also alleged to have been snatched from him, I do not find any ground to grant the concession of pre-arrest bail.

Consequently, this petition is dismissed. However, in the case of the arrest of the petitioner if he files a petition under the provisions of Section 439 of the Cr.P.C., that petition would be considered on its own merits.

Learned counsel further submits at this stage that the co-accused of the has been granted the concession of pre-arrest bail.

Even having considered that contention, looking at the specific role attributed to the petitioner, I am not inclined to admit him to anticipatory bail, even with counsel for the petitioner further submitting that the petitioner is ready to deposit Rs.8,000/- in the court as a pre condition of bail.

02.07.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No