

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

CRM-M-43083 of 2020

DATE OF DECISION :- February 08, 2021

Jatinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Jatinder Singh, aged about 22 years, son of Rajinder Singh resident of near Shekha Phatak, Shiv Math, Barnala, District Barnala in a case F.I.R No. 0011 dated 12.1.2020 under Sections 379-B, 411 IPC registered with Police Station City Barnala, District Barnala.

Briefly stated the facts of the case as per prosecution story are that on 22.12.2019, complainant Jiwan Singh was on the evening walk at 6.55 P.M. when he was near street no. 3, Guru Teg Bahadur Nagar, Barnala and was attending his mobile phone, in the meanwhile a motor cycle came having two riders and snatched his mobile phone make MI 5 Pro. He informed the police accordingly. He made enquiries at his own level and then intimated to the police that he had come to know that his phone had been snatched by Ajay Singh and Nirmal Singh while riding motor cycle

No. PB-19S-9331. During the investigation of the case names of various other persons including the present petitioner cropped up being member of the gang of snatchers.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Barnala for grant of pre-arrest bail. His such application moved in that regard was assigned to Addl. Sessions Judge, Barnala, who vide order dated 11.2.2020 dismissed the same. He has approached this Court craving for grant of similar relief, notice of which has been given to the State.

I have learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that even as per prosecution story the present petitioner was not involved in the incident of snatching of mobile phone of the complainant and name of the petitioner is said to have cropped up during investigation of the case being person who is also involved in snatching activities. He has contended that petitioner has joined the investigation in terms of the order passed by this Court; no recovery is to be effected from him, therefore, the present petition be accepted.

Learned counsel for the petitioner states that petitioner has since joined the investigation which fact is conceded by learned State counsel on instructions from ASI Buta Singh further stating that custodial interrogation of the petitioner is not required since no recovery is to be effected from him.

Under such circumstances, the interim bail granted to the petitioner on 21.12.2020 is made absolute, subject to the following

conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

February 08, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No