

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

CRM-M No. 5404 of 2021 (O&M)

Date of Decision: 22.08.2022

Harpreet Singh @ Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. R.K. Kapoor, Additional Advocate General, Punjab

MAHABIR SINGH SINDHU, J.

1. Present second petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to petitioner in FIR No. 127, dated 07.06.2019, under Sections 379-B & 411 of the Indian Indian Penal Code, 1860, registered at Police Station City, Kapurthala, District Kapurthala.

2. Above FIR was registered on the basis of statement made by one Usha Shetre wife of Dharam Singh, resident of Green Avenue, Una with the allegations that on 06.06.2019, she (Usha Shetre) had come to meet her brother Rakesh Kumar Bajaj, Advocate alongwith children at Kapurthala. On 07.06.2019 at about 6.30 p.m., she had come to market for some shopping. When she was waiting for her son in front of Hindu Putri Pathshala, two boys came on motorcycle and one who was the pillion rider, snatched her purse and both fled away.

It is also alleged that in the purse, there were Mobile Phone (Nokia)

with SIM card, Pan Card, Aadhar Card, Driving Licence, Passbook of SBI and ATM Card, PNB Bank ATM Card, cash of Rs. 8000/-, and some other important documents.

3. This Court, on 04.02.2021, granted interim bail to petitioner in the following manner:-

“ Perusal of para 6 of the petition reveals that on account of noting down wrong date of hearing by the learned Counsel appearing before trial Court, petitioner could not appear on 19.02.2020, consequently, his bail bonds were cancelled.

Notice of motion for 28.04.2021.

In the meanwhile, petitioner will surrender before learned trial Court on the date fixed i.e. 10.02.2021 or within one week thereafter. On his doing so, he shall be released on interim bail in the present case till the next date of hearing subject to the satisfaction of learned trial Court. ”

4. Learned counsel, on instructions from petitioner, submits that in pursuance of the above order, he has joined the Court proceedings and regularly appearing.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned.

6. In view of above, interim order dated 04.02.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall regularly appear before the learned trial Court below without any recurrence on his part.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. It is clarified that in case there is any misuse of concession by the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

August 22, 2022
'dk kamra'

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>