

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

**CRM-M No. 18430 of 2022
Date of Decision: 09.05.2022**

Ram Bau @ Ram Babu @ Babu Ram

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Bahul Bunker, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 379 of 07.12.2004, which was registered against him, at Police Station Civil Lines, Amritsar, constituting therein an offence under Section 379 of the IPC.

2. The incriminatory role, as, becomes assigned to the present bail petitioner, is that, with his sharing a *mens rea* with other co-accused, all committing theft of a sum of Rs. 75,000/- from the *dikki* of the scooter, owned by the victim – complainant.

3. Though, as a pre-condition for this Court, granting indulgence of regular bail to the present bail petitioner, an insistence is normally required to be made upon him, to deposit some portion of the above stolen cash, in the establishment of the learned trial Magistrate concerned, as, it may work as the amount, wherefrom the victim compensation, as, determined by the learned trial Judge concerned, may become realized to

him.

4. However, recovery of no portion of the stolen amount was made by the present petitioner, to the IO concerned, as the learned State Counsel submits, that all the accused concerned, have completely utilized the afore stolen cash.

5. Irrespective of the above, since the bail petitioner is in custody since the last four months, thereupon, if evidence suggestive, that there is no likelihood of the present petitioner either fleeing from justice, and / or tampering with prosecution evidence rather emerges, thereupon, this Court would become constrained to curtail the above period of custody, through admitting the present petitioner to regular bail.

6. However, the learned State Counsel, submits that the present petitioner was a proclaimed offender in the FIR (supra), and, though there appears to be hence every re-likelihood of his fleeing from justice, and / or, tampering with prosecution evidence, but yet in case, stringent conditions are imposed upon the bail petitioner, the above re-likelihood of his fleeing from justice may ebb.

7. Therefore, this Court makes stringent conditions, upon, the bail applicant, inasmuch as his making an undertaking before the learned trial Court, that he shall not re-abscond from justice, whereupon, on breach thereof, the benefit of regular bail, as is granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

8. Consequently, with condition (supra), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or his not influencing prosecution witnesses, and, also his appearing before the learned trial Court concerned, as and when he is required to be making his personal appearance unless validly exempted.

May 09, 2022
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(SURESHWAR THAKUR)
JUDGE

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