

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 19231 of 2022

Date of Decision: 13.5.2022

Gautam

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Karandeep Singh, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.
2. In FIR bearing No. 145 of 21.6.2020, registered at Police Station City-I, Tehsil Abohar, District Fazilka, offences constituted under Sections 379-B, 341, 506, 323, 148, 149 IPC, are embodied.
3. The incriminatory role, as assigned to the present petitioner in the FIR (supra), is that his along with 08 other persons, forming an unlawful assembly, and, theirs proceeding to snatch from the victim, his mobile, and, also snatching from him currency worth Rs. 5,000/-.
4. Since during the course of the petitioner being subjected to police remand, and, which was rather the relevant stage for the investigating officer concerned, ensuring his making the above recoveries, at the instance of the present petitioner, but even during the course of the present petitioner, being put to police remand, the investigating officer concerned, could not ensure the effectuation, from the petitioner, the recovery of the

above snatched items. Therefore, and, also when it is stated by the learned State counsel, on instructions given to him, by ASI Bahadar Singh, that other 08 co-accused, are yet to be arrested, thereupon, it appears that rather than the bail petitioner, the other co-accused may have the incriminatory role of snatching the above items from the victim concerned.

5. Consequently, the non-effectuation of recoveries, at the instance of the present petitioner, of the purportedly snatched items, to the investigating officer concerned, during the course of his being put to police remand, may not operate as an obstacle for this Court, to admit to regular bail, the present petitioner.

6. Be that as it may, and, when the judicial custody, of the present petitioner has commenced on 2.4.2022, and, when as afore stated, the recovery of the snatched items, are open to be effected by the investigating officer concerned, from the other co-accused, along with the present petitioner, besides when no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to regular bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. Therefore, this Court does not deem it fit, and, appropriate to prolong the judicial incarceration of the petitioner, as, thereupons his personal liberty would become unnecessarily fettered, and, curtailed.

7. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody, if not required in any other case. However, the granting of bail to the bail applicant-petitioner, is subject to 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, his not influencing prosecution witnesses, and, besides also his appearing before the learned trial Court concerned, as and when directed to make his personal appearance, unless validly exempted.

(SURESHWAR THAKUR)
JUDGE

May 13, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No