

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

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CRM-M-20327-2022

Date of decision: 31.05.2022

GURBHEJ SINGH @ LALLA AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Parveen Kumar Garg, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., wherein the petitioners seek the indulgence of regular bail to them.

2. In FIR bearing No.41 of 28.03.2022, registered at Police Station Dirba, District Sangrur, offences constituted under Sections 379B, 341, 323, 427, and, 34 IPC, are embodied.

3. Learned State counsel submits, that all of the accused snatched moneys' worth Rs. 10,000/- from the person of the victim. However, he submits that the recovery of the afore snatched money, at the instance of the bail petitioners, has not been effected, to investigating officer concerned. The above non making of recoveries of the snatched moneys' by the bail petitioners, from the victim, can yet be undone, through/from the investigating officer concerned, rather adding against them, the provisions of Section 201 IPC, as upon additions, of the above provision, the accused may become sentenced to undergo the

appropriately prescribed punishment, in respect thereof.

4. Since, the investigations in the petition FIR, are submitted by the learned State Counsel, to be almost over, and, when no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioners being admitted to regular bail, there is every likelihood of theirs fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses. As such, their judicial incarceration is not required to be any further prolonged, as thereupon, their personal liberty would become unnecessarily fettered, and, curtailed.

5. Therefore, the instant petition is allowed, and, the petitioners/bail applicants are ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioners, is subject to their furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and, also theirs not influencing prosecution witnesses, and, besides their appearing before the trial Court concerned, as and when directed to make their personal appearance unless validly exempted.

6. It is clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned as and when he/she deals with the trial of the FIR (Supra).

31.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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