

CRM-M-23093-2022.

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

**CRM-M-23093-2022.
Date of Decision: 21.7.2022.**

Bikku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr.Manoj K. Sharma , Advocate
for the petitioner.

Mr.Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 439 Cr.P.C., the petitioner craves for indulgence of his becoming admitted to regular bail, in respect of FIR bearing No.38 of 9.4.2022, registered at Police Station Mukerian, District Hoshiarpur, wherein offences, under Sections 379-B and 411 of IPC, are embodied.

2. The incriminatory role as assigned to the present bail petitioner, is that, he along with other co-accused snatching the ear rings of the complainant, but the present bail petitioner was arrested at the crime site, whereas, the co-accused fled from the crime site. Since the present

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petitioner became arrested at the crime site, therefore, there, the investigating officer proceeded to make, from him, the recovery of the snatched gold ear rings. Consequently, since all the relevant recoveries have been caused by the present bail petitioner, to the investigating officer concerned, and also, when it is submitted by the learned State counsel, that investigations are almost complete, and, that very shortly a report under Section 173 Cr.P.C. would become instituted before the learned trial Judge concerned. Therefore, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner, as, thereupon, his personal liberty would become unnecessarily curtailed, and, fettered.

3 Moreover, the further reason which prevails upon this Court to grant bail to the present bail petitioner, stands comprised in the factum that, at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being enlarged on regular bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence.

4 Consequently, the instant petition is allowed, and the bail petitioner is ordered to be released from judicial custody, on his furnishing, personal and surety bonds in the sum of Rs.25,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned as, and, when he is required to be making his personal appearance unless validly exempted.

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5 The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

July 21, 2022.
raj arora

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