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

CRM-M-30092-2022

Date of decision:29.07.2022

DALWINDER KUMAR ALIAS GHUGGI ALIAS DALWINDER

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

**Present: Mr. Paras Jagga, Advocate
for the petitioner.**

Mr. M.S. Nagra, Asst. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.0376 of 29.10.2019, registered at Police Station Phillaur, District Jalandhar Rural, wherein an offence constituted, under Section 379-B of IPC, is embodied.

2. The present bail petitioner is the sole accused in the petition FIR, and, unless he ensures the makings of recoveries, to the investigating officer concerned, of the mobile phone of the victim, as became snatched by him, at the crime site, and, also ensures recovery, to the investigating officer concerned, of a sum of Rs.4,000/-, which became snatched by him, at the crime site, from the victim, this Court would not become constrained to admit the present bail petitioner, to pre-arrest bail. Therefore, subject to the present petitioner ensuring his making the abovesaid recoveries, within a week, to the investigating officer concerned, this Court admits him, to pre-arrest bail.

3. However, upon the petitioner making the above recoveries, to the investigating officer concerned, thereupon the latter investigating officer, shall subsequently make deposits thereof, in the police *malkhana* concerned, but on drawing of a report under Section 173 of Cr.P.C., he shall deposit the sum of Rs.4,000/- in the establishment of the learned trial Magistrate concerned, but disbursement thereof shall become regulated by the outcome of the trial, as may become entered into by the learned trial Judge concerned.

4. Moreover, also when the prosecution, at this stage, has not adduced any evidence, suggestive that in the event of the bail petitioner being admitted to anticipatory bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence or influencing the prosecution witnesses.

5. In aftermath, with the above condition(s) precedent, the present petition is allowed, and, in the event of the arrest of the bail petitioner, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into the offences mentioned in the present FIR. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

(SURESHWAR THAKUR)
JUDGE

29.07.2022

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