

104

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

CRM-M-35482-2022

Date of decision:10.08.2022

SAMEER BHATTI @ SHIVAM

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ashish Bakshi, 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.118 of 05.07.2022, registered at Police Station Kartarpur, District Jalandhar Rural, wherein, offences constituted, under Sections 399, 402 of IPC, and, under Section 25, 54, 59 of Arms Act, are embodied.

2. In pursuance to a prior information received by the investigating officer concerned, about the accused named in the FIR making a plan to loot a bank, he proceeded to the crime site, and, also therefrom caused the arrest of co-accused Resham Singh @ Bau, Gurpreet Singh @ Ghumma, Bobby Bhatti @ Baba, Sonu Bhatti @ Pulla. However, since the present bail petitioner was not at the crime site, hence he did not become arrested there by the investigating officer.

3. However, the learned State counsel on instructions given to him, by ASI Manjit Singh submits that, despite the present bail petitioner not being available, at the crime site yet he was the mastermind of the entire conspiracy to

loot a bank inasmuch as, his providing to the principal offenders a pistol, and, also providing them all logistical support.

4. Be that as it may, since it is stated at the bar, by the learned State counsel, that all the relevant recoveries have been effected by the petitioner, to the investigating officer concerned, as such, this Court does not deem it fit, and, appropriate to order for his custodial interrogation.

5. However, the learned State counsel yet vehemently opposes the grant of anticipatory bail to the present bail petitioner, and, submits, that the indulgence of pre-arrest bail may not be accorded to the present bail petitioner, as he is a habitual offender, and, in case he becomes admitted to anticipatory bail, thereupon, there is every likelihood of his fleeing from justice, and, tampering with prosecution evidence, and, also his influencing prosecution witnesses, besides his re-indulging in criminal activities.

6. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (supra), as becomes reared by the learned State counsel.

7. In consequence, 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. Further, subject to the petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial

Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, upon his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

10.08.2022

(SURESHWAR THAKUR)
JUDGE

ithlesh

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