

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-17411-2023

Date of decision: 15.11.2023

Satwarag alias Satwarg alias Saggo

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Mr. K.S. Sidhu, DAG Punjab.

JASJIT SINGH BEDI, J. (Oral)

1. Prayer in the present petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.72 dated 25.03.2022 registered under Section 379-B, 323 and 34 IPC at Police Station Shahkot, District Jalandhar.

2. None appears for the petitioner.

3. On 13.04.2023, following order was passed in this case:-

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.72, dated 25.03.2022, under Sections 379-B, 323, 34 of IPC, 1860, registered at Police Station Shahkot, Distt. Jalandhar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, as he was not named in the FIR with regard to the alleged commissioning of offence of snatching a gold chain and Rs.25,000/- currency notes. He also asserts that it is not acceptable that the complainant was carrying the currency notes of 25,000/- in such a casual way in his hand, which could be easily snatched by the petitioner.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab, accepts notice on behalf of respondent-State, who submits that recovery is yet to be effected, as the four persons were actually involved, but two are not identified so far and both are at large, therefore, the petitioner does not deserve the concession of anticipatory bail.

Considering the fact in totality and the submissions made by learned counsel for the petitioner, it seems highly improbable that currency of Rs. 25,000/- was being carried in such a manner by the complainant namely Jaspal Singh, which could be easily snatched in the way, which has been elaborated or authored in the FIR.

In light of the above, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 12.07.2023.”

4. Thereafter, on 12.07.2023, the following order was passed in this case:-

“Learned State counsel on instructions from ASI Sarwan Singh, has apprised the Court that indeed the petitioner has joined the investigation, but, he is still required for investigation.

Let the petitioner again join the investigation as and when called for by the Investigating Officer.

Adjourned to 01.09.2023.

Interim order to continue.”

5. On 01.09.2023, the following order was passed in this case:-

“Learned counsel for the petitioner submits that in compliance of the order dated 13.04.2023 passed by a Coordinate Bench of this Court, the petitioner has joined the investigation.

At this stage, learned State counsel, on the instructions from ASI Sarwan Singh, submits that despite issuance of the notices, which were duly counter-signed by the Sarpanch of the village and other witnesses, the petitioner has not joined the investigation second time.

In view of the above, the petitioner is again directed to join the investigation within 15 days from today or any other date convenient to the Investigation Officer.

Adjourned to 17.10.2023.

Interim order to continue.”

- 6. Despite the passing of the aforementioned orders, the petitioner initially joined the investigation but subsequently did not do so.
- 7. In view of above, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

November 15, 2023
Ajay

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