

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-30990-2023
Date of Decision.:17.08.2023

Rahul
Vs.
State of U.T. Chandigarh

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Y.S. Rathore, Advocate with
Ms. Sudha Singh, Advocate for
the respondent- State U.T. Chandigarh
assisted by ASI Sahar Singh.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition under Section 439 Cr.P.C in case FIR No.138 dated 13.09.2020 registered under Sections 379-A, 411, 34 of the IPC registered at Police Station Maloya, Chandigarh.

2. As per the prosecution allegations, FIR was lodged at the instance of complainant Raju as per which on 13.09.2020 at about 09:00 p.m. when he was returning to his home, three persons came from his backside. One of them pushed him due to which he fell down and the other two person snatched the mobile phone of the complainant make VIVO V53.

3. Learned counsel for U.T. Chandigarh has drawn attention towards the order dated 13.04.2023 (Annexure P-2) passed by learned Additional Sessions Judge, Chandigarh wherein it is stated that petitioner

was earlier allowed regular bail on 11.11.2020 on his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount. After the turning of COVID-19 situation as normal, he was asked to furnish the surety bonds. However, petitioner did not furnish the surety bonds. Later on, he absented and despite notices sent to him as well as his counsel he did not appear. So much so, counsel for the petitioner pleaded no instructions to appear on behalf of the petitioner. Ultimately, petitioner was declared proclaimed person. Petitioner was then arrested on 20.02.2023 from Karnal and produced by the Summon Staff, Chandigarh.

4. It is thus clear that petitioner misused the concession of bail earlier granted to him.
5. In view of the above, the present petition under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.138 dated 13.09.2020 registered under Sections 379-A, 411, 34 of the IPC registered at Police Station Maloya, Chandigarh; is dismissed.

August 17, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No