

CRM-M-31884-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31884-2023 (O&M)

Date of decision: September 14, 2023

Usman Ali

....Petitioner

versus

State of U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Kamlesh, Advocate for petitioner.

Mr. Tarun Vir Singh Lehal, Additional P. P. U.T., Chandigarh.

ARUN MONGA, J. (ORAL)

Petition herein is for grant of anticipatory bail to the petitioner in case FIR No.101 dated 02.06.2023, under Sections 379-A and 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station, Sector-39, Chandigarh.

2. Per prosecution version, as borne out from record, on the intervening night of 27/28.05.2023 at about 1:00/2:00 a.m. complainant-Rajinder Kumar Saini, Food Delivery Boy at Sam Captain Shop, was going on his bicycle to deliver food at Nayagaon (Mohali). When he reached near Shiv Mandir, Sector 40-C, Chandigarh and was checking Google Map on his mobile phone, two unknown boys came on sports bike and snatched the mobile phone from the hands of complainant and fled away. During the course of investigation, co-accused Abhilash was arrested in this case, from whose possession, the complainant's mobile phone and the motorcycle allegedly used in the crime, were recovered. Co-accused Abhilash suffered disclosure statement and named the petitioner in the present case as his accomplice.

3. Vide order dated 06.07.2023, petitioner was directed to join investigation as and when required by the investigating agency, and in case, his arrest was required to be caused, he was directed to be released on bail, till the next date of hearing.

4. On resumed hearing today, at the outset, learned counsel for respondent-U.T., on instructions from ASI Lakhvir Singh, points out that despite aforesaid directions,

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petitioner has not joined investigation. Learned counsel for petitioner does not controvert the aforesaid fact that notwithstanding clear direction given by this Court, petitioner did not join investigation.

5. In the premise, the petitioner, having violated the conditions on which he was granted *ad interim* anticipatory bail, has disentitled himself for the grant of pre-arrest bail.

6. Dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 14, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No