

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

CRM-M-2258-2024

Date of Decision : 02.04.2024

SACHIN DHIGAN

.....Petitioner

VERSUS**STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.P.S.Rahi, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. B.S.Toor, Advocate, for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 16.01.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.99 dated 13.11.2023, under Sections 323, 341 read with Section 34 of the IPC (Section 379-B of the IPC added subsequently), registered at P.S. Division No.4, Ludhiana.

2. The learned counsel for the petitioner, in his asking for the relief (supra), submits that since initially the instant FIR was registered only under Sections 323, 341 read with Section 34 of the IPC, which are bailable offences, therefore, in order to exaggerate the penal provisions, a trivial quarrel, as occurred inter se the petitioner and the complainant, has been camouflaged as a case of snatching, which resulted in incorporation of Section 379-B in the instant FIR, which is a non bailable offence. Moreover, there was delay in incorporation of Section 379-B of the IPC, as it was added on the basis of a supplementary statement of one Mohit Kumar, alleged eyewitness.

3. The learned counsel for the petitioner further submits that even the video footage, which is in possession of the investigating agency, neither discerns any incident of snatching, nor corroborates the allegations, based whereupon, Section 379-B of the IPC was invoked in the instant case.

4. At this stage, Mr. B.S. Toor, Advocate, appears on behalf

of the complainant and opposes the grant of anticipatory bail to the petitioner, on the ground, that he has committed a heinous crime, inasmuch as, there occurred snatching of gold chain and earrings from the complainant, which is witnessed by eyewitness Mohit. He further submits that the petitioner has criminal antecedents, as he is involved in eight more cases.

5. Insofar as involvement of the petitioner in other cases is concerned, as cited by the learned counsel for the complainant, the learned counsel for the petitioner submits that the petitioner has already been acquitted in six out of those eight cases.

6. Notice of motion for 02.04.2024. 7. Ms. Navreet K. Barnala, A.A.G, Punjab, accepts notice on behalf of respondent-State of Punjab.

8. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by ASI Jaswinder Singh, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 16.01.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

April 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No