

In the High Court of Punjab and Haryana at Chandigarh

CRM M-20440 of 2015
Date of Decision: July 02, 2015

Khushi Mohammad

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Bikramjit Aroura, Advocates,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 38, dated 09.04.2014, under Sections 382, 34 of the Indian Penal Code, registered at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner contends that petitioner is not named in the FIR. Even there is no reference to the description/identity of the accused in the FIR. Learned counsel further contends that petitioner has been involved on the basis of statement of co-accused made in another case after four months. That statement has not resulted into any recovery.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

The contentions raised by learned counsel for the petitioner

cannot be taken into consideration at this stage for the purpose of pre-arrest bail. Question of recovery at this stage does not arise. The allegations in the FIR are to the effect that the accused persons had approached for filling diesel in Innova Car at about 2.24 A.M. on 09.04.2014. After filling the diesel in the vehicle, they demanded a bill. When the person, who had filled the diesel in the vehicle, went to the cabin, then the petitioner and his co-accused entered in the cabin and snatched Rs.34,000/- and Samsung Mobile. Description of the accused in such like cases is difficult. Since the alleged accused are strangers and alleged to have taken money forcibly, their custodial interrogation is necessity.

In view of this, no ground for anticipatory bail is made out.

Dismissed.

July 02, 2015
vkd

[Paramjeet Singh]
Judge