

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

CRM-M-23491 of 2015

Date of decision : 22.07.2015

Mohammad Shahid

..... Petitioner

Versus

The State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Saqib Ali Khan, Advocate for petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. Mohd. Salim, Advocate for complainant.

DARSHAN SINGH, J. (Oral)

The present petition has been filed by petitioner Mohammad Shahid under Section 438 of the Code of Criminal Procedure, 1973 for grant of the anticipatory bail in case FIR No.43 dated 01.06.2015, under Sections 380 and 457 of the Indian Penal Code, registered at Police Station City-II, Malerkotla.

2. As per the prosecution allegations, complainant Arshad Iqbal is running a shop of boring, submersible motors and sanitary store near Nehru Market Kellon Gate. On 30.05.2015, he returned to his village after closing the shop at about 09:00 P.M. On 31.05.2015, at about 06:00 A.M., he received information from Anees that the shutter of his shop was lying open. He reached at the shop and found that the money and mobile phone lying on the counter and the money kept in

almirah were found stolen by unknown persons. During the investigation, co-accused Mohammad Tariq was arrested. On his disclosure statement a sum of Rs.1,68,000/- were recovered. He also disclosed the involvement of the present petitioner.

3. Learned counsel for the petitioner contended that the name of the petitioner is not mentioned in the FIR. Mohammad Tariq was inimical to the petitioner that is why, he has mentioned his name. There is no other evidence against the petitioner.

4. Learned counsel for the complainant pleaded that in this case, more than 3,00,000/- in cash and mobile phone were stolen from the shop of the complainant. Only part recovery of the stolen property has been effected. The remaining stolen property is still to be recovered, for which custodial interrogation of the petitioner shall be required.

5. I have duly considered the aforesaid contentions.

6. This fact is not disputed that co-accused Mohammad Tariq was arrested in this case and he has got recovered a cash amount of Rs.1,68,000/-. It is alleged that total more than Rs.3,00,000/- in cash and mobile phone were stolen from the shop of the complainant. The plea raised by learned counsel for the petitioner that co-accused Mohammad Tariq has named the petitioner in his disclosure statement only due to enmity, has no substance. The remaining stolen property is yet to be recovered, for which the custodial interrogation of the petitioner may be required.

7. It is settled proposition of law that where the custodial

interrogation is necessary for the due investigation of the crime, it is not desirable to grant the concession of anticipatory bail to the accused, as it hampers the proper investigation.

8. Thus, keeping in view my aforesaid discussion, the petitioner has failed to make out the exceptional case in order to claim the extra ordinary privilege of the anticipatory bail.

9. Consequently, this petition has no merits and the same is hereby dismissed.

22.07.2015
sunil yadav

(DARSHAN SINGH)
JUDGE