

In the High Court of Punjab and Haryana at Chandigarh

CRM M-25672 of 2015

Date of Decision: August 05, 2015

Amandeep Singh Ghumbar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Vikas Bali, Advocate,
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. 56, dated 16.07.2013, under Sections 326, 325, 324, 323, 341, 148, 149 of the Indian Penal Code, registered at Police Station Rawalpindi, District Kapurthala.

Learned counsel for the petitioner contends that name of the petitioner does not appear in the FIR. It has only been mentioned Gabbar of Jalandhar. Learned counsel further contends that Gabbar of Jalandhar means Gabbar son of Jalandhar.

I have considered the contentions raised by learned counsel

There are serious allegations to the effect that petitioner along with other co-accused had taken out two packets of Rs.50,000/- each from the pocket of the complainant and also snatched a gold chain. There are specific allegations that injuries have been caused to the victim by hired persons at the instance of Shaminder Singh Dhaliwal son of Sucha Singh, Balbir Kaur wife of Shaminder Singh, who are now residing in England. It is common that hired persons are committing such crimes and petitioner may be one of those persons. In such cases, name and identity of such persons can not be detailed in the FIR. In **CBI vs. Anil Sharma, 1997(4) R.C.R. (Crl.) 268**, Hon'ble Supreme Court held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to

third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

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

Dismissed.

August 05, 2015
vkd

[Paramjeet Singh]
Judge