

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

Date of decision: 07.07.2017

CRM-M No.22911 of 2017

Balwinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Avinash Mandla, Advocate, for the petitioner.

Mr. A.A.Pathak, Addl. AG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 382/506/411 IPC at Police Station Rangar Nangal, District Gurdaspur, vide FIR No.21 dated 16.05.2017.

I have heard learned counsel for the petitioner and learned Law Officer representing the State as well as given careful thought to the facts of the case and the submissions made at the Bar.

The allegation in the FIR is that on 13.05.2017 at about 1.00 PM, when complainant along with his wife, namely, Kirpal Kaur was present in his shop, four persons came in a Maruti car and after alighting, they entered his shop. The driver of the car pointed a pistol on the complainant and threatened him to handover whatever he possesses. Apart

from cash to the tune of ₹13,000/-, the accused persons have also removed several other kiriyana items from the shop of the complainant.

It is obvious that allegations levelled in the FIR are quite serious. The argument of the learned counsel about inadmissibility of evidence available against the petitioner is not relevant at this stage. In fact, his name was specifically mentioned in the FIR and his custodial interrogation may be required to take the investigation to its logical end. The petitioner approached the court of Additional Sessions Judge, Gurdaspur for anticipatory bail. However, the prosecution apprised the court that co-accused, namely, Swinder Singh @ Bau and Mohinderjit Singh @ Shinda had been arrested and some recovery has been effected pursuant to their disclosure statements.

Keeping in view the gravity of the offence allegedly committed by the petitioner, I do not find it a fit case for grant of concession of anticipatory bail as the same would hinder the investigation and such kind of gang assaults can be cracked only by the custodial interrogation. Even then the truthfulness in the allegations has to be examined by the Investigating Agency.

The petition in my considered view is devoid of merit and is hereby dismissed.

07.07.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>