

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

CRM-M-24147-2017

Date of decision: 27.7.2017

Sukhwinder Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Chander Shekhar Sharma, Advocate
for the petitioner.

Ms.Jaspreet Kaur, AAG, Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner Sukhwinder Singh @ Sukha, an accused in FIR No.55 dated 6.6.2017 for offence under Section 379-B IPC, registered with Police Station Bholath, District Kapurthala.

Briefly stated, the facts of the case as per prosecution story are that on 6.6.2017 at about 7:30 a.m. when Tajinder Singh, a Government Teacher was going on his scooter Activa bearing registration

No.PB-09-T-5940 to drop his wife Pradeep Kaur at place of her work i.e. Adarsh Public School, Ramgarh and when the scooter was a little behind from petrol pump of village Ramgarh, then three clean shaven persons riding a motorcycle came and started driving it parallel to motorcycle being driven by Tejinder Singh – complainant. The pillion rider brought out a *datar* from his dub and asked the complainant and his wife to stop but complainant did not took his scooter to halt, then the three persons riding on the motorcycle snatched the chain which wife of complainant was wearing and ran away on their motorcycle having registration No.PB-08-CZ-1155 of black colour. According to the complainant, he had recognized the pillion rider, who was holding the *datar* as Sukhwinder Singh @ Sukha, Cast Majhbi Sikh, resident of Litta. On the basis of statement of complainant Tejinder Singh, formal FIR was registered.

Apprehending his arrest in this case, Sukhwinder Singh @ Sukha accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Kapurthala vide order dated 13.6.2017. As such he has approached this Court asking for similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record and I find that there is absolutely no merit in the petition. The petitioner is specifically named in the FIR and as per allegations, he was holding a *datar* with which he had threatened the complainant and his wife. The persons including the petitioner riding the motorcycle had snatched the chain which wife of complainant was wearing. These are very serious allegations. The cases of

snatching are increasing day by day and it is difficult for people to move on the roads with essence of safety. Womenfolk are specially vulnerable. Such type of incidents cannot be taken lightly lest that should result in similar acts being repeated with more frequency. The investigating agency is yet to recover *datar* from the accused. His custodial interrogation is necessary to elicit the complete information regarding the incident and to effect recovery of *datar*. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for. Furthermore, pre arrest bail is not meant to help the criminals in avoiding custodial interrogation.

Thus finding no merit in the petition, the same stands dismissed.

27.7.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No