

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 25135 of 2017 (O&M)

Date of decision : 19.9.2017

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Rubal Gill

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sandeep Arora, Advocate for the petitioner

Mr. K.S. Aulakh, Deputy Advocate General, Punjab.

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H. S. Madaan, J. (Oral)

This application for pre-arrest bail has been filed by Rubal Gill, an accused in FIR No. 269 dated 2.9.2016 for offence under Sections 379-B, 511, 34 IPC, registered with Police Station Navi Baradari, Jalandhar.

The criminal machinery in this case was set into motion by complainant Rakesh Gupta of Civil Lines, Jalandhar, who got his statement recorded with the police of Police Station, Navi Baradari, Jalandhar on 2.9.2016, contending therein that he is running a shop in

Sehdev Market, Jalandhar. On 2.9.2016, after taking meals he had gone out of house to have a walk at about 10.20 P.M. When he was having a stroll outside his house, three persons riding motorcycle make Pulsar, came from behind and a person who was pillion riding the motorcycle tried to snatch his mobile phone, make Apple. In the process the complainant was dragged to some distance. However, the complainant caught hold of that miscreant from his arm. The other two riders fell down from the motorcycle. The complainant sustained some injuries. He managed to caught hold of one person, whereas the other two riders alongwith motorcycle managed to flee. The person who was apprehended disclosed his name as Abhi Batra s/o Shashi Batra r/o House No. EN-101, Near Balmiki Mandir, Rasta Mohalla, Jalandhar and he disclosed the name of other two persons, who had managed to run away as Raja Gill @ Choosi of Rasta Mohalla and Rubal Gill of Basti Gujan, Jalandhar.

After registration of formal FIR, the matter was investigated. The other two accused, namely, Rubal Gill and Raja Gill @ Choosi were not arrested in this case. The petitioner had moved an application before the Court of Sessions for grant of anticipatory bail, but was unsuccessful there and as such he has approached this Court seeking similar relief.

Notice of the petition was given to the State, which has put in appearance through counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record of the case.

Learned counsel for the petitioner has argued that the

petitioner was not apprehended at the spot and during the incident no valuable article of the complainant was taken away; as a result grant of interim bail by the Court, the petitioner has joined the investigation, as such custodial interrogation is not required. His co-accused Abhi Batra has been granted bail by the learned Sessions Judge, Jalandhar vide order dated 20.10.2016. Therefore, the petitioner be also granted pre-arrest bail.

Whereas this request is opposed tooth and nail by the State counsel, who has argued that though the petitioner has joined the investigation, but he has not cooperated therein; he has not disclosed the full facts within his knowledge. Therefore, his custodial interrogation is required. In that way, the petition in hand be dismissed.

After considering the rival contentions, I find that there is no ground to grant pre-arrest bail to the petitioner. Such relief is discriminatory in nature and has to be granted in exceptional circumstances and not in routine. In the case of **State represented by the CBI vs. Anil Sharma 1997 (4) RCR (Criminal) 268**, the Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is on anticipatory bail and further in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

As regards the grant of bail to Abhi Batra, it was a regular bail which was granted to him for the reason that he was a juvenile at the time of incident. Therefore, case of the petitioner is not at par with

that of Abhi Batra.

The cases of snatching are increasing day by day and it is difficult for the people to move on the roads with essence of safety. Womenfolk are specifically vulnerable. Such type of incidents cannot be taken lightly lest that should result in similar acts being repeated with more frequency.

The allegations against the petitioner are very serious that he alongwith his co-accused had tried to snatch mobile phone from the complainant. His custodial interrogation is necessary to find out the complete story in the form of planning and execution of the crime. If custodial interrogation is denied to the investigating agency, that shall adversely effect the investigation, which is uncalled for.

Therefore, no ground is made out to accept the petition. The same stands dismissed accordingly.

(H.S. Madaan)
Judge

19.9.2017

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Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No