

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

**CRM-M-25860-2017
Date of decision :06.11.2017**

Pamma

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present : Ms. Jasmeet Mehra, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition for pre-arrest bail has been filed by petitioner –
Pamma an accused in FIR No.24 dated 02.03.2016 for offences under
Sections 457, 380 IPC registered with Police Station Gate Hakima,
Amritsar, District Amritsar.

Briefly stated facts of the case as per prosecution story are that FIR was got recorded by Sukhchain Singh son of Ajit Singh resident of Main Road, Fateh Singh Colony, Gate Hakima, Amritsar aged about 42 years, a dairy farmer by avocation. In his statement to the police he stated that on 23.12.2015 he along with his family was sleeping in their house, at about 4:00 a.m. when he got up he saw lock of Goderej Almirah was broken and clothes and other articles were lying scattered; that he woke up his wife and when they checked they found that from locker in the Almirah a gold chain gents including *Khanda*, one kitty set, three ladies rings, one gents ring, one topes and one pari of gold rings total weighing 7 tolas, besides some silver ornaments, ₹92,000/- in cash, two mobile phones were missing and the some unknown persons on the intervening night of 23/24.12.2015 had tress-passed into their house and committed theft of those articles by breaking open the Almirah. After registration of the FIR the case was investigated, during course of investigation name of the petitioner cropped up as one of the culprits.

Feeling apprehensive of got arrested in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail, but was unsuccessful there, as such, he has knocked at the door of this Court seeking similar relief.

Notice of the petition was given to the State.

I have heard learned counsel for the parties, besides going through the record.

Learned counsel for the petitioner has stated that the petitioner

is a handicapped person, he has since joined investigation as directed while granting interim bail to him and his custodial interrogation is not required and he be granted concession of pre-arrest bail.

Whereas request is being opposed by State counsel contending that though the petitioner has joined the investigation but he has not got the recovery effected and has not come up with the entire information within his knowledge, therefore, his custodial interrogation is necessary, as such his request for pre-arrest bail be declined.

After hearing rival contentions, I find that the petitioner does not deserve to the granted concession of pre-arrest bail.

In a citation **State Represented by the C.B.I. vs. Anil Sharma, 1997(4) RCR (Criminal) 268**, it was observed that *custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail.*

At this stage, question to be decided is that as to whether pre-arrest bail is to be granted or not. The truthfulness of the allegations in the FIR is not be determined by holding a mini trial and the allegations are to be taken as such. Pre-arrest bail is a relief which is not to be granted just at the asking of an accused in routine manner but in exceptional circumstances. Its purpose is not to screen the criminals from legal action and to save them from custodial interrogation which being more elicitation-oriented, result in the extraction of the important information from mouth of a criminal. Custodial interrogation of the petitioner is necessary for proper and effective investigation. In case such custodial interrogation is denied to the

investigating agency, that will leave many loose ends and loopholes, adversely affecting the investigation which is uncalled for. Thus finding no merit in the petition, the same stands dismissed.

06.11.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**