

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38408 of 2016
Date of Decision: 12.01.2017

Shabbir

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arjun Atri, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioner in case FIR No. 482 dated 07.11.2014 registered for offences punishable under Sections 384, 506 read with Section 34 IPC, at Police Station Punhana, District Mewat.

As per prosecution, FIR was registered on the complaint of Salim and Jamshed, who alleged extortion of money by the petitioner and other 15 persons from complainants and others for operating passenger vehicle (Max) on the pretext of paying the same to police. When complainants enquired from the concerned police officials about the amount being extracted by the petitioner and his associates, they came to know that nothing was being paid to police. Thereafter, on their refusal to pay booty to petitioner and his associates, they roughed up complainants and took away the money from their pockets.

Learned State counsel submits that after receipt of complaint

the matter was thoroughly enquired and statements of all the concerned witnesses were recorded. 13 of the accused named in the complaint were found to be innocent. The police found allegations against the petitioner and his other two associates, namely, Arshad and Shahid, as correct. Shahid has since been arrested. She further submits that custodial interrogation of the petitioner and Shahid is required by the police to effect recovery and for further investigation.

Learned counsel for the petitioner submits that after the arrest of Shahid, recovery of allegedly extorted money has already been effected from him, as such, custodial interrogation of the petitioner is not required in this case. Moreover, there is no specific allegation against him that as to how much amount was extorted by him from the complainants or any other person.

On giving a careful thought to submissions of learned counsel for the petitioner and learned State counsel and on perusal of FIR and paper-book, I find that allegations against the petitioner are quite serious in nature. Such type of incidents create unrest and grant of benefit of anticipatory bail will convey a wrong signal in the society. I find no reason to exercise discretionary power for grant of anticipatory bail to the petitioner.

Instant petition has no merit and the same is dismissed.

January 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No