

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

CRM-M-33774-2017

Date of decision: 23.1.2018

Mohit Arora @ Monu

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.R.S. Mamli, Advocate
for the petitioner.

Mr.Saurav Khurana, D.A.G., Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Mohit Arora @ Monu, an accused in FIR No.23 dated 1.6.2017, under Section 380 IPC, registered at Police Station Airport, Amritsar, District Amritsar.

Briefly stated, the facts of the case as per prosecution version are that on 29.5.2017, Sh.Arvind Kejriwal, Chief Minister, Delhi had arrived at Shri Guru Ram Dass Ji Airport, Amritsar; that several persons had gone there to receive him, which included Sh.Satpal Singh Sokhi and Sh.Jagdev Singh Kamalo from AAM AADMI party; that in the VIP gallery, purse of Sh.Sukhjinder Singh Pannu containing cash and other important documents, whereas mobile phones of Satpal Singh Sokhi and Jagdev Singh Kamalo were also stolen; that on applications having been

submitted by Sh.Sukhjinder Singh Pannu and Sh.Jagdev Singh Kamalo to SHO, Police Station Airport, Amritsar City, formal FIR was registered. The matter was investigated. From CCTV footings petitioner/accused Mohit Arora @ Monu was found committing theft of purse of Sukhjinder Singh Pannu and two other persons.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application. His such application had been assigned to learned Additional Sessions Judge, Amritsar, who vide order dated 4.9.2017 dismissed the same, as such the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel and State counsel submitted that though the petitioner has joined the investigation but not rendered full co-operation by disclosing all the facts within his knowledge.

I have heard learned counsel for the parties besides going through the record and I find that no ground is made out for grant of pre arrest bail to the petitioner.

In the CCTV footage, the petitioner is spotted committing the theft. It is an important and vital piece of incriminating evidence against him. The stolen mobile phone belonging to complainant Jagdev Singh Kamalo was found to be in possession of the accused and as per call details obtained, some calls had been made from that mobile phone after inserting SIM No.99156 69996 after stealing it on 29.5.2016. The said SIM card had been issued in the name of the present petitioner. Location

of mobile phone No.99156-69996 belonging to the petitioner has also been found at the place of occurrence of the present case. Another stolen mobile phone besides cash and other documents of complainant Sukhjinder Singh Pannu have not been got recovered by the petitioner. According to the State counsel though the petitioner has joined the investigation but he has not rendered full co-operation by disclosing all the facts within his knowledge. The petitioner is shown to have past criminal record inasmuch as he is involved in following other criminal cases:

Sr.No.	FIR No./Date, offence & P.S.	Status
1.	FIR No.75 dated 10.6.2009, under Section 379 IPC, Police Station 'E' Division, Amritsar - City.	Acquitted on 30.7/2012 by the Court of Ms.Shilpi Gupta, JMIC, Amritsar.
2.	FIR No.122 dated 3.10.2009, under Section 379 IPC, PS 'E' Division, Amritsar-City.	Acquitted on 16.10.2013 by the Court of Sh.P.S. Rai, JMIC, Amritsar.
3.	FIR No.125 dated 5.10.2009 under Section 379 IPC, P.S. 'E' Division, Amritsar-City.	Acquitted on 11.11.2013 by the Court of Ms.Shilpi Gupta, JMIC, Amritsar.

The custodial interrogation of the petitioner appears to be necessary for complete and effective investigation. It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. 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.

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

23.1.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No