

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 5429 of 2018 (O&M)

Date of decision : 16.5.2018

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Amandeep Singh @ Amanpreet Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab

Mr. Bikramjit Arora, Advocate for the complainant.

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H. S. Madaan, J.

This petition for anticipatory bail has been filed by petitioner Amandeep Singh @ Amanpreet Singh, an accused in FIR No. 62 dated 31.5.2017, for offences under Sections 457/380 IPC registered at police Station Goindwal Sahib, District Tarn Taran.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was recorded on the basis of statement of complainant Amrik Singh s/o Raju r/o village Bharowal, aged about 54 years, which he made to the police on 31.5.2017, inter alia stating that on the intervening night of 26/27.5.2017, when he and his other

family members after taking the meals, had gone to sleep, then at about 2.30 a.m. he heard a noise in his bedroom and he woke up observing in the light of bulb that Amandeep Singh @ Amli s/o Jagir Singh of their village alongwith one more unidentified person were there in the bedroom for the purpose of committing theft. He called out his brother Surinder Singh and then Amandeep Singh @ Amli and his unidentified accomplice ran away after jumping the wall of the house. Thereafter, he observed that the wallet from his pant containing photocopies of Aadhar card and voter card and cash amount of Rs.5,200/- had been taken away by the said thieves. Several persons had gathered at the spot. Gurinder Singh s/o Karam Singh resident of village Bharowal and his wife Lakhwinder Kaur stated that theft had also taken place in their house, in as much as steel almirah had been broken and a gold ring weighing 4 grams and one gold tops weighing 3 grams had been taken away. Formal FIR was registered.

Apprehending his arrest, the accused had moved an application for grant of pre-arrest bail, which was dismissed by Additional Sessions Judge, Tarn Taran, vide order dated 24.1.2018, as such he has approached this Court by way of filing the present petition, which request is being opposed by the State counsel.

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

Pre-arrest bail is a discretionary relief, which is to be granted in very rare cases to avoid harassment and inconvenience to the innocent persons and not in routine to screen the culprits from

custodial interrogation.

The petitioner is specifically named in the FIR and allegations of theft are there against him. Although he has joined the investigation and as stated by the State counsel, he has got Rs.1500/- recovered from his possession, but then the remaining amount alongwith documents of complainant and gold articles stolen from the house of Gurinder Singh, are also to be recovered.

Custodial interrogation of the petitioner is necessary for complete and effective investigation of the case and to know as to how things were planned and executed to commit theft in the house of the complainant and Gurinder Singh. 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. In the case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

Finding no merit in the petition, the same stands dismissed.

16.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No