

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

CRM-M-39972-2019(O&M)

Date of decision:-12.2.2020

Sagar @ Sagar Masih and another

...Petitioners

Versus

State of Punjab

...Respondent

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

Present: Mr.Harsimranpreet Singh Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioners – Sagar @ Sagar Masih and Sandeep @ Sandeep Masih, both accused in FIR No.277 dated 13.10.2018, under Sections 392/379-B/420/468/471/413/482/34 IPC, registered with Police Station Division No.6, District Police Commissionerate Jalandhar.

Briefly stated, the facts of the case as per the prosecution story are that on 13.10.2018, a police party from Police Station Division No.6, Jalandhar was present at Satluj Chowk, Jalandhar, where secret information was received that Lovepreet Singh @ Love son of Tarsem Singh, resident of village Channe near Gurdaspur, Sagar and Sandeep real brothers (present petitioners), residents of village Harchowal, District Gurdaspur; both these brothers installed a Saloon in Panchkula, along

with Honey and Vinay, residents of near cremation ground, Harnamdas Pura, Jalandhar besides their friend Resham, resident of Gadhe Channe near Gurdaspur, who is in jail in case of theft, in league with each other used to steal costly and valuable motorcycles, snatching the vehicles on the highway and other places under threat of weapons and further they had snatched money, mobile phones, wallets from ladies and men and after preparing fake registration certificates of stolen motorcycles, they used to sell those and that they had stolen one Bullet motorcycle from a place near Guru Nanak Mission Chowk, Jalandhar and 4-5 Bullet motorcycles and one Pulsar motorcycle from Chandigarh; out of those motorcycle one motorcycle is with Ramanpreet Singh, one Pulsar motorcycle was with Lovepreet Singh @ Love and three stolen motorcycles were with Sagar and Sandeep (present petitioners); that they had changed the registration number of the motorcycles, affixing fake registration number and out of them Lovepreet Singh @ Love was standing in front of newly constructed Passport Office, Jalandhar with a stolen Pulsar motorcycle and if a raid was conducted, he would be apprehended red handed. On ruqa being sent, formal FIR was registered. A police party went to the disclosed place.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, their such request was declined by learned Additional Sessions Judge, Jalandhar vide order dated 30.8.2019. As such, the petitioners have approached this Court asking for similar relief.

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

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

The petitioners are specifically named in the FIR and there are serious allegations of them indulging in snatching as well as committing thefts of motorcycles, then changing their registration numbers and selling those of to innocent persons by fabricating documents and further they being in possession of 2-3 stolen motorcycles.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

In 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 informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation for effecting recovery of stolen motorcycles and to find out with regard to the modus operandi of snatching and committing thefts; the other persons involved in the network and to find further complete details of the criminal offences committed by them. In case custodial interrogation of the petitioners 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.

12.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No