

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

CRM-M-1887-2021

Date of decision:-14.1.2021

Jaspreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Monty Goyal, Advocate
for the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jaspreet Singh, aged 29 years, resident of Near Dharamshala village Sherpur Kalan, Tehsil Raikot, District Ludhiana, an accused in FIR No.150 dated 4.10.2018, for the offences under Sections 379, 341, 323, 506, 148 and 149 IPC, registered with Police Station Hathur, District Ludhiana.

Briefly stated, the prosecution story is that on 27.9.2018, the complainant Gurtej Singh son of Kulwant Singh, resident of Kothe Sher Jang, PS City, Jagraon, District Ludhiana had gone to Hathur on his

scooty for the purpose of withdrawing money from ATM of SBI installed there. He accordingly withdrew total amount of Rs.99,000/-, which he put in the right pocket of his trouser (lower) and when he had reached ahead of Manuke Chowk towards Bhumipur and time was about 12:30 p.m. afternoon, then a scooty came from opposite direction, which was being driven by Gurpreet Singh @ Pitti son of Boota Singh with Jaspreet Singh (present petitioner) pillion riding thereon. Both those persons were already acquainted with the complainant. They intercepted the scooty of the complainant and started beating him up. In the meanwhile, three unknown persons came there on two motorcycles. Two of them were armed with iron rods and one of them gave an iron rod blow to the complainant striking him on backside of head, whereas the rod blow given by the other rider hit the complainant on right thumb. Another rod blow given by him strike the right hand of complainant. The complainant fell down. Thereafter, the culprits took away the mobile phone make Red ME Note. They had given blow on back and left thigh of the complainant, due to which he had fell down. The complainant raised alarm. The culprit, who was sitting on the motorcycle ran away after picking the mobile phone of the complainant. The complainant entered into the shop to save himself but those culprits/criminals followed him and beat up the complainant taking away the cash amount available with him and threatened to kill him. They further took away his mobile containing SIM No.7710611314. The reason behind the incident was that the complainant had started the movement against drugs. After the incident, talks for compromise took place but those did not prove to be fruitful, therefore,

the matter was reported to the police and formal FIR was registered and investigation in the case started.

Apprehending his arrest in this case, the present petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, which was assigned to learned Additional Sessions Judge(Fast Track Court), Ludhiana. However, his such request was declined by learned Additional Sessions Judge, (Fast Track Court), Ludhiana vide order dated 10.11.2020. As such, the present petitioner has approached this Court by way of filing the instant petition asking for the similar relief.

Notice of the petition was issued to respondent – State. Mr.J.S. Ghuman, DAG, Punjab has appeared on behalf of respondent – State and accepts notice on its behalf. He opposes the petition.

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

The petitioner is named in the FIR. He had actively taken part in the incident in which the mobile phone of the complainant and cash amount belonging to him had been snatched and taken away and complainant had been caused injuries. The incidents of snatching are increasing day by day with the result it is not safe for the people to commute on the roads.

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 arrest and 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 to effect the recoery of snatched articles and to find out as to how the incident was planned and executed, from where the rods used in the incident were procured and how the snatched amount was distributed etc. 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 the petition is doomed for failure and is dismissed accordingly.

14.1.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No