

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

CRM-M-1886-2021

Date of decision:-14.1.2021

Sodagar Singh @ Gagandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.S.S. Gill, 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 – Sodagar Singh @ Gagandeep Singh, aged 26 years, resident of Bhagwanpura, Majitha, Tehsil and District Amritsar, an accused in FIR No.523 dated 9.12.2020 for the offence under Section 379 IPC, registered with Police Station Islamabad, District Police Commissionerate, Amritsar.

Briefly stated, the prosecution story is that on 9.12.2020, complainant Sanjeev Kumar working at Amandeep Hospital, Amritsar was returning home on his Activa scooter and while he had reached near

Surta Singh Road, he received a message on his mobile phone. The complainant stopped his scooter to see the message. In the meanwhile, three persons riding a motorcycle came there and a pillion rider having a LOI (a woolen cloth used for wrapping body) snatched mobile phone make OPPO of the complainant. When the criminals tried to run away, the complainant caught hold of LOI of pillion rider, as a result of which the riders fell down. The complainant caught hold of one of them wearing the LOI, whereas the other two managed to run away. The person so apprehended by the complainant disclosed his name as Harpreet Singh and name of his other two accomplices as Amar Singh and Gagandeep Singh (present petitioner having alias of Sodagar Singh). On the basis of statement of complainant Sanjeev Kumar, formal FIR in the matter was recorded 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, Amritsar. However, his such request was declined by learned Additional Sessions Judge, Amritsar vide order dated 23.12.2020. 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 allegations against the petitioner are very grave and serious that he along with his co-accused had snatched mobile phone from the complainant. The incidents of snatching are increasing day by day with the result it is not safe for the people to commute on the roads especially at the night time. The identity of the petitioner as one of the culprits having taken part in the incident stood disclosed from the interrogation of his co-accomplice Harpreet Singh, who had been apprehended by the complainant at the spot.

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 so as to find out as to whether he had indulged in any other incident of snatching or crime, if so the details thereof. It has also to be found out as to how the present incident was planned and executed. 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