

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10083 of 2021 (O&M)

Date of decision : 3.3.2021

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Amritpal Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Mr. C.S. Singhal, Advocate
for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for grant of pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Amritpal Singh, aged about 27 years, s/o Jasbir Singh, resident of Village Mota Majra, Tehsil and District Ambala, an accused in FIR No. 71 dated 22.2.2021, for offences under Section 379 IPC, registered at Police Station Ambala City, District Ambala.

Notice of motion.

At this stage, Mr. Tanuj Sharma, AAG, Haryana, has accepted notice on behalf of the State.

Briefly stated, facts of the case, as per the prosecution story

are that on 22.2.2021, at about 3.45 P.M., complainant Nischal Gorh, a practising Advocate at District Courts Ambala, found his motorcycle bearing registration No. HR 01-AF-6764, make Splendor Plus of silver colour, which he had parked at backside of Advocate's Chambers near medical store, after locking it, to be missing. He had informed the police in that regard, on the basis of which formal FIR was recorded. The investigation in the case started. On checking of footage from CCTV camera, it was found that motorcycle had been stolen by the Petitioner -accused Amritpal Singh with the help of his accomplice, in as much as, in fact on the date of incident i.e. 22.2.2021, the petitioner accused had come to the court complex Ambala City, for attending the hearing of his case, pending in the Court of Sh. Rajneesh Bansal, Additional Sessions Judge, Ambala, having FIR No. 179 dated 17.12.2017, for offence under Sections 376, 427, 506 IPC read with Section 67 of the I.T Act, registered at Police Station Women, Ambala. Accordingly, house of the petitioner-accused situated at village Mota Majra, PS Sadar, Ambala was raided. Petitioner – accused was found to be not available at his house. On 24.2.2021, stolen motorcycle was found lying near the nursery at village Matehri Jattan, which was taken into police possession. However, the accused could not be arrested.

Apprehending his arrest in this case, petitioner Amritpal Singh, had approached the Court of Sessions at Ambala, seeking pre-arrest bail. His such application, was dismissed by Sessions Judge, Ambala, vide order dated 26.2.2021, as such, the petitioner has

approached this Court craving for the similar relief, which request is being opposed by learned State counsel.

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

It is well settled law that pre-arrest bail is a discretionary equitable relief and which is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and any inconvenience and not to shield the culprits from custodial interrogation.

Here the petitioner comes out as a habitual criminal and as pleaded in para No. 6 of the petition by Petitioner himself, he is involved in three more cases detailed below :-

- i) FIR No. 179 dated 17.12.2017 u/s 376, 427, 506 IPC, 67 IT Act, PS women Cell, Ambala;
- ii) FIR No. 34 dated 21.3.2017, u/s 406, 420, 120-B IPC PS Panjokhra, District Ambala; and
- iii) FIR No. 161 dated 16.6.2017 u/s 365, 395 IPC, PS Sadar, Ambala.

Though it is mentioned that he is on bail in all the three cases, but merely due to that reason, his criminal background does not get vanished and the fact remains that he has been booked in three criminal cases for various offences under IPC. Such type of a person, having long past criminal record, does not deserve concession of pre-arrest bail. Even otherwise, on merits also, the petitioner has failed to

make out a case for grant of pre-arrest bail, who as per the prosecution story, in the CCTV footage, he alongwith his accomplice, are shown committing theft of motorcycle in question. Furthermore, likelihood of involvement of the accused-petitioner in the present case comes out from the fact that on the fateful day, he had attended the proceedings in the Court of Sessions Judge, Ambala, during trial against him, pending before that Court. It is also the case of the prosecution, that earlier also several motorcycles were stolen from the Court complex at Ambala. Therefore, the custodial interrogation of the petitioner is found to be necessary for complete and effective investigation and to find out with regard to other thefts and crimes, which might have been committed by the present petitioner. In case the custodial interrogation is denied to the Investigating Agency, that shall leaving many loose ends, gaps and loopholes in the investigation, adversely effecting the same, which is uncalled for.

The petition stands dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

3.3.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No