

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

101

**CRM-M-8690-2022
Date of decision: 02.03.2022**

PRITPAL SINGH BATRA

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mrs. BPK Brar, Advocate
for the petitioner.

VINOD S. BHARDWAJ. J. (ORAL)

Prayer in this petition filed under Section 438 CrPC is for grant of anticipatory bail to the petitioner in case FIR No.234 dated 04.10.2021 under Sections 379-B, 323, 506 of the IPC, registered at Police Station Kotwali Nabha, District Patiala, Punjab.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the aforesaid case and that he had no involvement in the commission of the crime. It is further submitted that the other co-accused of the petitioner have already been granted the concession of anticipatory bail. Besides, the FIR in question was lodged after a delay of 12 hours. The incident in question is stated to have taken place at 09:00 PM on 03.10.2021, whereas the FIR has been registered on the following day i.e., on 04.10.2021. There is no valid explanation for the delay in submission of the complaint to the Police. The period of delay has been used for the purposes of falsely naming the petitioner.

Heard learned counsel for the petitioner.

Perusal of the pleadings would suggest that the complainant was hassled on the night of 03.10.2021 at 9/9:30 PM, when he had gone to purchase

edible items from the *rehri*. In the said scuffle the gold chain of the complainant is stated to have been taken away by the petitioner. Insofar as the case of the other co-accused is concerned, no such recovery was to be effected from them and at best, they had caused injuries to the complainant. Apart therefrom, as many as 05 other cases have already been registered against the petitioner and the same are pending at various stages. The details of the said cases is extracted as under:-

FIR No.	Date	Sections	Police Station
185	18.09.2020	353/186/506 IPC	Kotwali Nabha
110	27.06.2020	323/324/341 IPC	Kotwali Nabha
182	21.07.2021	307/506/323/148/1 49/120-B IPC	Kotwali Nabha
62	08.07.2019	22/29/61/85 NDPS	Kotwali Nabha
294	29.11.2021	307/34/25 IPC	Sadar Nabha

The aforesaid involvement of the petitioner in such a large number of cases shows his antecedents. Besides, the petitioner has not been able to point out any reason why the name of the petitioner shall be falsely arraigned in the FIR and no motive has been attributed to the complainant for naming the petitioner in the case. Recovery of the gold chain is yet to be effected and as such, the custodial interrogation of the petitioner would be essential for further investigation in the case.

Finding no merit in the arguments advanced and the explanation tendered by the petitioner, the instant petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

March 02, 2022
S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*