

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

**CRM-M No.29014 of 2022
Date of Decision: 06.09.2022**

Harjinder Singh @ Reetha

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.32 dated 24.03.2022 registered at Police Station Bilga, Jalandhar, under Section 379-B read with Section 34 IPC, the petitioner has preferred this petition to seek the relief of pre-arrest/anticipatory bail.

2. Bereft of unnecessary details, the allegations, as levelled by informant Sukhdev Singh in the subject FIR, are that while he, along-with his wife Balwinder Kaur, was on his way to Village Fatehpur on his Activa two-wheeler, for the treatment of his wife, two motor-cycle borne persons came there and the pillion-rider snatched away the gold ear-rings worn by his wife and they also pushed their two-wheeler and resultantly, he and his

wife fell down and then, both the motor-cyclists fled away from the spot and the petitioner was one of those two miscreants.

3. Status-report has already been filed on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar (Rural).

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the alleged occurrence is stated to have taken place on 22.03.2022 whereas the FIR was registered on 24.03.2022 after the delay of two days and moreover, the petitioner has been arraigned in the said FIR solely for the reason that the informant suspected his (petitioner's) involvement in the alleged crime on the basis of the enquiry conducted by him qua the said incident, at his own level and these facts make the entire version of the prosecution a highly improbable one and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel argues that the recovery of the said gold ear-rings is yet to be effected and the custodial interrogation of the petitioner would be required for this purpose and it being so, the present petition be dismissed.

7. As regards the contention qua the delay in lodging the FIR, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that

would be led on the record during the trial proceedings and the said delay, in itself, does not suffice at all, at this stage, to show the false implication of the petitioner in this case.

8. So far as the contention regarding the petitioner having been roped in as an accused in the FIR merely on the basis of the suspicion raised by the informant against him, is concerned, the truthfulness of the same would, again, be a subject matter for consideration and determination by the trial Court at the relevant stage in view of the evidence that may be adduced on the file during the course of the trial and the same cannot be ascertained at this stage. Moreover, the recovery of the gold ear-rings is yet to be effected and therefore, the possibility of the requirement of the custodial interrogation of the petitioner for the afore-said purpose, cannot be ruled out.

10. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

September 06, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>