

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

CRM-M-44872-2022

Date of Decision: 27.9.2022

Akash @ Kashi

... Petitioner

Versus

State of Punjab

... Respondents

CORAM:-HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Rahul Bhargava, Advocate for the petitioner

Mr.GS Sandhu, DAG, Punjab

...

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail to him in FIR No.0124 dated 1.9.2019 under Sections 452, 379-B, 427, 148, 149, 506 of the IPC, Section 379 B (2) and Section 201 of the IPC added later on registered at Police Station Ranjit Avenue, Police Commissionerate, Amrtisar.

Learned counsel for the petitioner contends that the petitioner had neither caused any injury nor damaged any household articles of the complainant. The petitioner was not having any weapon at the time of alleged incident and no overt act has been attributed to him. He was not even present at the spot. Learned counsel further submits that co-accused Bheema has been granted the concession of regular bail by the trial court and co-accused- Harwant Singh has been

granted regular bail by this Court vide order dated 18.8.2022 passed in CRM-M-35542-2022. Learned counsel further submits that nothing is to be recovered from the petitioner and thus no custodial interrogation is required.

On the contrary, learned counsel for the State submits that the allegations against the petitioner are serious in nature. The petitioner has been specifically named in the FIR. He alongwith the other co-accused were armed with swords, sticks, baseball bats and iron rods and damaged the household articles lying in the house of the complainant and they also damaged the motorcycle and car parked in the street and even mobile phone of the complainant was snatched.

Having heard learned counsel for the parties, I am of the view that the petitioner has been specifically named in the FIR. There is specific role attributed to him. The petitioner alongwith other co-accused has been alleged to have trespassed into the house of the complainant armed with swords, sticks, baseball bats and iron rods and damaged the household articles lying in his house. They also damaged the motorcycle and car parked in the street and even snatched mobile phone of the complainant. The allegations are very serious in nature. Investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence.

It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of

CRM-M-44872-2022

:3:

mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh vs. Pradeep Sharma, (2014) 2 SCC 171.**

In view of seriousness of allegations and gravity of offence, I find that this is not a fit case for grant of anticipatory bail to the petitioner. The petition is dismissed.

(ASHOK KUMAR VERMA)
JUDGE

27.9.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No