

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

CRM-M-46901-2022

Date of Decision: 12.10.2022

Smt. Ramrati

... Petitioner

Versus

State of Haryana

... Respondent

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

Present: Mr.Govind Mor, Advocate for the petitioner

Mr.Himmat Singh, DAG, Haryana

...

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail in FIR No.867 dated 30.08.2022 under Sections 379-A, 34 of the IPC (Section 411 and Section 120-B of the IPC added later on), registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR. The petitioner is sought to be implicated on the basis of disclosure statements made by co-accused Amit @ Sheelu and Vikram @ Bika. Learned counsel further submits that false recovery has been planted from the house of the petitioner and nothing is to be recovered from her. 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 complainant-Kavita alongwith her mother-in-law Sheela had visited Barwala. When they were on their way to new Bus Stand, two unknown motor cycle-riders snatched gold chain/*mangalsutra* and ran away. Accused Amit @ Sheelu and Vikram @ Bika were arrested. They suffered disclosure statements to the effect that they had snatched the gold chain in conspiracy with the petitioner and the gold chain is also in possession of the petitioner.

Therefore, offence under Section 120-B of the IPC was added. During the course of investigation, on 6.9.2022, the snatched gold chain/*Mangalsutra* was recovered from the house of the petitioner and therefore, offence under Section 411 of the IPC was added. As such custodial interrogation of the petitioner is required. Learned counsel for the State further submits that there are three more FIRs registered against the petitioner which are as under:-

1. FIR No.255 dated 23.6.2022 under Sections 379-A, 120-B, 413 IPC at P.S. Agroha
2. FIR No.248 dated 18.6.2022 under Sections 379-A, 120B, 413 of the IPC at P.S. Agroha
3. FIR No.264 dated 21.5.2022 under Sections 21-B, 61, 85 of the NDPS Act at P.S. Barwala District Hisar.

Having heard learned counsel for the parties, I am of the view that the allegations alleged against the petitioner are very serious in nature. The allegations in the FIR are of fleeing away by motor-cycle, after snatching of gold chain/*manglasutra* from a woman going on the way. There is specific role attributed to the petitioner that the said gold chain was recovered from the house of the petitioner. The accomplice of the petitioner is writ large in the story of the prosecution. Further, the past precedent of the petitioner is also bad as three more FIRs have been registered against the petitioner. 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 mine finds support from

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

In view of the above, the present petition being devoid of any merit is dismissed. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

(ASHOK KUMAR VERMA)
JUDGE

12.10.2022
MFK

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