

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

207

CRM-M-49753-2022

Date of decision : 12.12.2022

Sunil Kumar @ Sunny

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. K.L. Saini, Advocate
for the petitioners.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.512 dated 23.09.2022 registered under Sections 323, 341, 379-B and 34 of the Indian Penal Code, 1860 at Police Station Narnaud, Hisar.

The above-said FIR was registered on the complaint made by complainant-Rajiv Kumar alleging that on 22.09.2022 at around 9/10:00 p.m. he had gone to drop the labourer working at this house. At about 10:20 p.m. when he returning back, near Bus Stand of Rakhi Shahpur, 4/5 boys stopped him. They caused injuries to him on his both legs and hands and snatched Rs.2,000/- from his pocket and his mobile phone.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. No injury has

been attributed to the petitioner and all the injuries on the person of complainant were simple in nature. The petitioner and the complainant belongs to the same village and because of the upcoming panchayat election, the present FIR was registered against the petitioner. Nothing has to be recovered from the petitioner and his custodial interrogation are not required in the case. The petitioners is also ready and willing to join investigation.

Per contra, learned State counsel has opposed the present petition on the ground that the petitioner along with other co-accused snatched amount of Rs.2,000/- and a mobile phone from the complainant. The petitioner is specifically named in the FIR. The custodial interrogation of the petitioner is required for thorough investigation of the case and for recovery of amount of Rs.2,000/- and a mobile phone of the complainant.

I have heard learned counsel for the parties and gone through the paper-book.

The allegations against the petitioner are serious in nature. The recovery of snatched amount of Rs.2,000/- and mobile phone is yet to be effected. Moreover, the investigation is still going on, therefore, custodial interrogation of the petitioner is necessary.

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.

Keeping in view the above facts as well as nature of the offences, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petitions are hereby dismissed.

12.12.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No