

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

CRM-M-51204-2022

Date of Decision: 16.11.2022

Preeto Kaur

... Petitioner

Versus

State of Punjab

... Respondent

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

Present: Mr.Vinod Bhardwaj, Advocate for the petitioner

Mr.Jaspal Singh Guru, AAG, Punjab

...

Notice of motion.

On the asking of this Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice.

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.151 dated 20.8.2022 under Section 379-B of the IPC registered at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has not been named in the FIR. There is no direct evidence to connect the petitioner with the alleged offence of snatching of gold chain. Learned counsel further submits that nothing is to be recovered from the petitioner and thus no custodial interrogation is required. The petitioner is already ready and willing to join the investigation.

On the contrary, learned counsel for the State submits that the allegations against the petitioner are serious in nature. On 20.8.2022 at around 11.30 am, the complainant alongwith her husband went to Dera Baba Balwant Muni to pay obeisance where her gold chain weighing 1 ½

tola was snatched by some woman whose name came to be known as

Preeto Kaur, the petitioner herein. Learned counsel submits that recovery is yet to be made and therefore, her custodial interrogation is required.

Having heard learned counsel for the parties, *prima face* I am of the view that the offences alleged against the petitioner are very serious in nature. The allegation against the petitioner is that of snatching of gold chain weighing 1 ½ tola. 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

16.11.2022
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No