

CRM-M-7249 of 2023

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

CRM-M-7249 of 2023

Date of decision: - 10.02.2023

Gori Singh alias Gora

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. A.K. Khunger, Advocate, for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0092 dated 14.12.2022 under Sections 457, 380 IPC, registered at Police Station SadarAbohar, District Fazilka.

Present FIR has been registered on the complaint of Reshma Bai alleging therein that on 14.11.2022 at about 12.00/1.00 a.m., petitioner along with his co-accused by climbing the wall of her house had stolen two male goats and taken them away by loading in pickup vehicle. When on hearing the noise of the cattle they saw the petitioner had already loaded the male goats in the vehicle from the wall. Co-accused of the petitioner accelerated the vehicle and the petitioner fled away from the spot.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present

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case on the basis of suspicion. He further submits that there is unexplained delay of eight days in lodging the present FIR. He further submits that petitioner is ready and willing to join the investigation.

Per contra, learned State counsel, who appears on advance notice, opposes the prayer for grant of anticipatory bail to the petitioner on the ground that petitioner is a habitual offender and there are six more cases registered against him. Therefore, he does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and perused the record.

As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

There are specific allegations against the petitioner that he along with others by trespassing the house of the complainant had stolen her two male goats. Moreover, petitioner is a habitual offender and he is involved in six more cases of similar nature, details of which are as under: -

Sr. No.	FIR/Date	Under Sections	Police Station
1.	94/14.05.2017	380 IPC	City 1, Abohar
2.	240/22.10.2020	379, 379B IPC	City 1, Abohar
3.	80/19.03.2020	380 IPC	Tibbi Hanumangarh
4.	25/27.02.2021	380, 454, 457, 411 IPC	Bahavwala

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5.	126/12.08.2020	379, 411 IPC	Bahavwala
6.	331/2020	457, 380, 411 IPC	Sangria Raj

Keeping in view specific allegations against the petitioner and his antecedents, petitioner does not deserve the concession of anticipatory bail.

Dismissed.

10.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No