

CRM-M-11198 of 2023

2023:PHHC:063329

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

CRM-M-11198 of 2023

Date of decision: 02.05.2023

Rajinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. M.K. Bhatnagar, Advocate, for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0267 dated 27.11.2021 under Section 379-B IPC and later on added Sections 411, 34 IPC, registered at Police Station Cantonment, District Police Commissionerate, Amritsar.

2. Brief facts of the case are that present FIR has been registered on the basis of complaint of complainant Ravneet Kaur alleging therein that when on 26.11.2021 at about 8.00 p.m. when she was on the way to a boutique near her house, a motorcycle came from behind her on which two young boys were riding and pillion rider forcibly snatched her mobile phone and fled away.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case as he has committed no offence. He further submitted that

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petitioner was not named in the FIR and he has been nominated as an accused on the basis of disclosure statement of co-accused. He further submits that nothing is to be recovered from the petitioner, therefore, his custodial interrogation is not required. He further submits that petitioner is ready and willing to join the investigation.

4. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner.

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

6. Co-accused Jaspreet Singh has got recovered the mobile phone and in his disclosure statement he has stated that petitioner was accompanying him at the time of incident.

7. 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.

8. Moreover, petitioner is involved in one more case of similar nature being FIR No.76 dated 22.03.2022 under Sections 379-B, 34 IPC, registered at Police Station Cantonment, Amritsar, which fact has been concealed by him in the petition. It is a well-settled proposition of law that a person who does not approach the Court with

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clean hands and played fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgments of the Hon'ble Supreme Court in *Dalip Singh v. State of U.P. and others - JT 2009 (15) SC 201: (2010) 2 SCC 114* and *Amar Singh v. Union of India and others, 2011(7) SCC 69*.

9. In view of the above, petitioner does not deserve the concession of anticipatory bail and his custodial interrogation is necessary to unearth the truth.

10. Dismissed.

02.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No