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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31859-2023 (O&M)

Date of Decision: 06.07.2023

Tarsem Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Puneet Kumar Bansal, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.217 dated 08.12.2022, under Sections 341, 379-B, 323 IPC, registered at Police Station Mallanwala, District Ferozepur.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and as per the allegations, three muffled faced persons who were unidentified had snatched Rs. 8,000/- and scooty of the complainant. He submitted that one of the other co-accused namely Karaj Singh was identified by the complainant but the petitioner was nominated on the basis of disclosure statement of the other co-accused. He further submitted that the petitioner is involved in two more cases under the NDPS Act but he has not involved in any other case of similar nature

and therefore, he may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that he has received an advance copy of the present petition and he has also sought instructions from the concerned police official. He submitted that it is a case where the complainant who is a girl of the age of 38 years stated in her complaint that three muffled faced unidentified persons had stopped the scooty of the complainant on 07.12.2022 when she had gone for taking medicines, then the aforesaid three muffled faced persons were on motorcycle and they stopped the motorcycle in front of the scooty of the complainant and one person sitting on the motorcycle had hit her with a broad plastic pipe which he was holding in his hand which hit on the right shoulder and calf of her left leg and knee of right leg and she fell down and with the intention of committing theft, they snatched her scooty and one Samsung mobile alongwith her purse in which she was carrying cash of approximately Rs. 8,000/-. Thereafter, she was sent to Civil Hospital Zira but she was not admitted in the hospital because it was night time. Learned State counsel submitted that the medical record with regard to the injuries of the complainant is also with the police. He submitted that mere fact that the name of the petitioner was nominated on the basis of disclosure statement of a co-accused would not entitle the petitioner for grant of anticipatory bail since it is a case wherein a young girl was stopped by three persons and one of the persons was the petitioner. Therefore, he is not entitled for the grant of anticipatory bail and his custodial interrogation is required for elicitation of truth and for recovery of money.

4. I have heard the learned counsel for the parties.

5. As per the allegations which have been contained in the FIR

and as per the arguments raised by the learned counsel for the parties it is a case where a young girl was stopped by three persons and as per the learned State counsel one of the persons was the petitioner and they have sufficient material to connect the petitioner with the present offence. Though the pendency of other two cases under the NDPS Act against the petitioner cannot become a bar for grant of anticipatory bail to the petitioner but in the facts and circumstances of the present case, this Court is of the view that the arguments which have been raised by the learned State counsel does carry weight and cannot be ignored. The Hon'ble Supreme Court in *State represented by the CBI Versus Anil Sharma [1997(4) RCR (Crl.) 268]* observed that in such cases for the purpose of elicitation of truth and qualitative investigation, the custodial interrogation, if required, should be granted. This Court is of the view that it is a fit case where custodial interrogation of the petitioner is required.

6. Consequently, the present petition is dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

06.07.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No