

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

CRM-M-45876 of 2022

Date of decision: 01.06.2023

Sukhbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Naveen Bawa, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Vishva Bahl, Advocate, for the complainant.

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.154 dated 11.09.2022 under Sections 379, 457 IPC, registered at Police Station Kamboj, District Amritsar.
2. Present FIR has been registered on the complaint of complainant Hardeep Singh stating that in the night of 10.09.2022, he had parked his tractor trolley bearing No.PB02-P-1564 loaded with wheat in the house of his brother Gurpreet Singh and in the morning, when he saw, then he came to know that his tractor trolley loaded with wheat was taken away by someone. Later on, he came to know that petitioner-Sukhbir Singh had stolen the same.
3. Learned counsel for the petitioner submits that vide order dated 30.09.2022, petitioner was granted ad-interim bail and his bail may be made absolute.

4. Per contra, learned State counsel assisted by the counsel for the complainant submitted that despite order dated 30.09.2022, petitioner has not joined the investigation till date and he went to Canada without seeking permission from the Court. He further submitted that one more case being FIR No.55 dated 19.04.2023 under Sections 427, 447, 448, 379, 149 IPC has been registered against the petitioner at the Police Station Kamboh for trespassing the property of the complainant and damaging certain articles after the petitioner was granted *ad interim* bail. Thus, petitioner is a habitual offender and does not deserve the concession of anticipatory bail.

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

6. Despite directions issued by this Court vide order dated 30.09.2022, petitioner has not joined the investigation till date rather has committed further offence by trespassing and damaging the property of the complainant for which FIR No.55 dated 19.04.2023 under Sections 427, 447, 448, 379, 149 IPC has been registered against him at the Police Station Kamboh and also fled away to Canada without getting any permission from this Court. Therefore, keeping in view the conduct of the petitioner and allegations levelled against him, the petitioner does not deserve the concession of anticipatory bail.

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. In ***Bal Krishan Fauzdar v. State of Haryana 2018 (1) RCR Criminal 789***, it is held by a Co-ordinate Bench of this Court in para No. 8 as under: -

“.....It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.”

9. In view of the above, present petition is dismissed.

10. Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

01.06.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No