



CRM-M-38546-2024

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**218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-38546-2024

Date of decision: 14th August, 2024

Satnam @ Satti

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashish K. Gupta, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner seeking benefit of pre-arrest bail in case of FIR No. 79 dated 22.06.2024 registered under Sections 454, 380, 34 of IPC, 1860 at Police Station Lalru, District SAS Nagar, Mohali.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Balkar Singh alleging therein that on the intervening night of 8/9.06.2024, someone had broken open the lock of shutter of his shop, wherein he used to do welding work and had stolen one set of welding machine, two grinder machines, two small drilling machines and cash amount of Rs. 17,000/-. He made inquiries and came to know that



the petitioner and the co-accused Gurvinder had done this act. As such, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, SAS Nagar, which was dismissed, vide order dated 12.07.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He does not have any criminal antecedents. There is delay of thirteen days in lodging of the FIR. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Hence, it is argued that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by the respondent-State, as per which, during the course of investigation, the complainant had produced a pen drive containing CCTV footage of the camera installed in the neighbouring shop which captured the entire incident of theft and as shown in this CCTV footage, the petitioner along with the co-accused had entered into the shop of the complainant on the fateful night and they were seen while taking away the articles, which were found to be stolen. Learned State counsel has argued that the petitioner has criminal antecedents as he is involved in three more cases of similar nature. His custodial interrogation is required for thorough investigation of the matter by the police as well as for effecting recovery of the stolen articles. No extra ordinary or sparing



circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. As such, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have stolen the instruments/ implements and cash amount of Rs. 17,000/- kept in the shop of the complainant on the night of the 8-09.06.2024. A perusal of order passed by the Court of learned Sessions Judge on 12.07.2024, while dismissing the prayer of the petitioner for grant of bail, reveals that the CCTV footage had been seen by the said Court and the petitioner was seen while driving a motorcycle and escaping from the spot along with the stolen articles. The allegations *prima facie* prove the complicity of the petitioner in the subject crime. The question of delay in reporting the matter to the police has to be considered by the trial Court on the basis of evidence produced on record. The allegations against the petitioner are serious in nature. For effecting recovery of the stolen property, the custodial interrogation of the petitioner is required. Apart from that, no extra ordinary and exceptional circumstance warranting exercise of powers for grant of bail has been made out in this case. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional



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circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th August, 2024

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*