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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-44546-2024
Date of decision: 10th September, 2024

Jagdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. K.S. Benipal, Advocate for the petitioner.

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

MANISHA BATRA, J (ORAL):-

Prayer in the present petition is for grant of anticipatory bail in case arising out of FIR No. 83 dated 21.07.2024 registered under Sections 126(2), 304(2) (Section 61(2) having added later on) of Bharatiya Nyaya Sanhita (For short 'BNS') at Police Station Amargarh, District Malerkotla, Punjab.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the abovesaid FIR was registered on the basis of statement got recorded by the complainant Jaspreet Singh alleging therein that he was a relationship officer in Muthoot Micro Fin Branch, Patiala and used to visit various villages and cities for collecting installments of loan from the borrowers of his finance company. On 19.07.2024 also, he had gone to collect installment of loan on his motorcycle bearing registration No.

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PB-19T-7884 make HF-Deluxe to Village Kakra. After collecting cash amount to the tune of Rs. 16,323/- from the collection agent Rekha, he had gone to village Ghanoodki, village Bhatia Khurd and then to village Bagrian from where he had also collected money. After collecting total amount of Rs. 90,678/-, while he was on his way back, he received a phone call from Dharampal Singh who had also availed loan from his finance company and he told him to come to village Guara to take installment of loan from him. On his asking, the complainant went towards village Guara and when he reached on the road leading to the above said village at about 08:20 PM, the accused Dharampal Singh told him to reach village Bagrian as he had reached there. The complainant proceeded towards village Bagrian but on the way, he was intercepted by three persons who came from behind while riding on a black splendor motorcycle. Their faces were covered. One of them was carrying iron rod. By stopping him, they encircled him, pounced upon him and snatched his backpack containing cash amount Rs. 90,678/-, mobile phone, mobile charger, his ATM Card, Aadhar Card and I-card and then fled from the spot.

3. As per the further allegations, after registration of FIR, investigation proceedings were initiated. During investigation, the accused Laadpreet Singh, Mohammad Aslam and Dharampal were arrested. An amount of Rs. 7,000/- and mobile phone belonging to the complainant were recovered from them. They suffered disclosure statements admitting their involvement in the crime and also about the complicity of the present petitioner and further disclosed that the accused Dharampal had hatched a

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conspiracy with the petitioner and the co-accused and in pursuance thereof, the petitioner and the co-accused had snatched money and mobile phone of the complainant on the fateful day. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the Additional Sessions Judge, Sangrur which was dismissed vide order dated 22.08.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be held to be admissible in evidence. Only three persons were named as the snatchers in the FIR and those three persons have already been arrested. There was no mention of any fourth person and therefore, it is apparent that petitioner has been falsely implicated. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is argued that the petition deserves to be allowed.

5. Learned State counsel has placed on record copy of disclosure statement of the co-accused and has submitted that they had disclosed about the involvement as well as presence of the petitioner in the offence of snatching money and mobile from the complainant on 19.07.2024. The co-accused Dharampal was not physically present at that time and had hatched conspiracy with the petitioner and co-accused. It is submitted that for effecting recovery of the remaining snatched amount and for proper investigation of the matter by the police, custodial interrogation of the petitioner is must. Therefore, it is urged that the petition deserves to be

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allowed.

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

7. The petitioner along with the co-accused is alleged to have snatched cash amount of Rs. 90,678/- and mobile phone belonging to the complainant on 19.07.2024 and the co-accused Dharmpal is alleged to have hatched conspiracy with them. There are serious and specific allegations against the petitioner. For the purpose of conducting proper investigation in the matter as well as for recovery of the snatched money, his custodial interrogation is required. 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 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.

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

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

[MANISHA BATRA]
JUDGE

10th September, 2024

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |