



CRM-M-49920-2024

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

CRM-M-49920-2024

Date of Decision: October 04, 2024

Honey

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Takwinder Singh Rai, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

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RAJESH BHARDWAJ, J.(ORAL)

1. Petitioner has approached this Court praying for grant of anticipatory bail in case FIR No.49, dated 01.05.2024, (Annexure P-1) under Sections 379B(2), 323, 148, 149 IPC, registered at Police Station Sarabha Nagar, District Ludhiana.

2. Succinctly, the facts of the case are that the complainant, namely, Jagjit Singh, lodged the complaint on the basis of the allegations that he was working as a driver on a private vehicle and doing part-time job of dropping the passengers on his Motor cycle bearing registration No.PB 91 T 3461, Hero Splendor, make black in color. On 20.04.2024, he had received a ride request from a person, named, Softy Malhotra. When he went to pick up Softy Malhotra, she was standing with another boy wearing a black cloth on his head. He picked up the passenger on his motor-cycle at 10.30 p.m. and reached 'Eleven Hotel' Rajguru Nagar, Feorzepur Road,



Ludhiana, at about 10.45 p.m. On asking Softy Malhotra to pay the fare of Rs.106/-, she asked him to wait as her friends were coming to pay the fare. In the meantime, two motor-cycles arrived. The boys got down from the said motorcycles. They were carrying iron *daat* and they attacked the complainant with the weapons they were carrying. The complainant fell down on the ground and the boys snatched his mobile phone, cash, silver chain and also took away his motorcycle. He managed to reach the Civil Hospital, Ludhiana, and contacted his family members. Request was made to take the legal action against all accused. On the basis of the complaint, FIR was registered and the investigation commenced. Apprehending arrest, the petitioner-accused approached the Court of learned Sessions Judge, Ludhiana, praying for grant of bail. However, after hearing both the sides, the learned Sessions Judge, Ludhiana, declined the petition filed by the petitioner vide order, dated 24.09.2024. Hence the petitioner is before this Court.

3. Learned counsel for the petitioner submits that petitioner is not named in the FIR and he has been falsely implicated in this case. He submits that petitioner is named in the FIR on the basis of disclosure statement of co-accused Chanpreet Singh, which is not an admissible evidence. He submits that the petitioner is ready to join investigation. It is submitted that there being no *prima facie* case against the petitioner hence his custodial interrogation is not required and thus, he deserves to be granted concession of anticipatory bail.

4. However, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that case is



under investigation and the accused are yet to be arrested. He submits that investigation is going on. He further submits that petitioner alongwith the co-accused has not only committed the offence of snatching but they have also caused injuries to the complainant. He submits that co-accused Chanpreet Singh during investigation has disclosed that petitioner had prepared a video of the occurrence. The complainant has been caused four injuries as per the MLR. He, thus, submits that there being no ground for grant of anticipatory bail to the petitioner and the same deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that motor-cycle of the complainant was booked for a ride, however the accused in conspiracy with co-accused had snatched the mobile phone, cash and motor-cycle of the complainant. He was caused injuries as well. Investigation is going on and the accused are yet to be arrested and interrogated for unraveling the mystery.

6. Hon'ble Supreme Court in State represented by **CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can



be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

7. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

8. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

9. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

10. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

October 04, 2024

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No