

Neutral Citation No.2024:PHHC:007002

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

214

CRM-M No.57195 of 2023
Date of decision: 18.01.2024

Lovepreet Singh ... Petitioner
Vs.
State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurabh Kaushik, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Shivpartap Singh Khattri, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. Learned counsel for the petitioner has submitted that the petitioner is not coming forward to deposit the amount of Rs.25,000/- as litigation expenses as per the order dated 10.11.2023 as passed by this Court and has not even contacted him. Though as submitted by learned State counsel, the petitioner had joined the investigation on 22.11.2023 but it is also submitted by learned State counsel as well as learned counsel for the complainant that no recovery of istridhan of the complainant could be got effected from him.
2. The petitioner is seeking pre arrest bail in case arising out of FIR No.59 dated 21.07.2023 registered at Police Station PS Women, District Patiala wherein he has been booked for commission of offences punishable under Sections 498-A of IPC (Section 406 of IPC was added later on). It is well settled proposition of law that the powers under

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Section 438 of Cr.P.C. are to be exercised in extraordinary and sparing circumstances and not in a routine manner. The custodial interrogation of an accused/suspect is otherwise must for disinterring many useful information. It is also well settled proposition of law that merely because the custodial interrogation of an accused is not required, is not a ground to extend the benefit of anticipatory bail to him and that foremost duty for a Court hearing an anticipatory bail application is to consider that a prima face case is put up against the accused along with the nature of the offence alleged. In my opinion, the possibility of conducting further thorough investigation and elucidating relevant information by the investigating agency would be reduced if the discretionary relief of pre arrest bail is extended to the accused especially keeping in view his act and conduct and further while considering that no extraordinary or sparing circumstance has been made out for exercise of such benefit in favour of the petitioner in this case. Accordingly, finding no reason to allow the petition, the same is dismissed.

	(MANISHA BATRA)
	JUDGE
18.01.2024	
manju	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No