



CRM-M-61159-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-61159-2024
Date of decision: 9th December, 2024

Habib Mohd. Alahdeen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Bhupinder Kaur, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The petitioner is making prayer for grant of pre-arrest bail in case arising out of FIR No. 201 dated 23.09.2024 registered under Sections 333, 304, 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Sadar Jalandhar, District Police Commissionerate, Jalandhar.

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 Ranjit Kumar, who was employed as a salesman in a liquor shop at Village Sunar Khurd, alleging therein that on 18.09.2024, the petitioner along with 5-6 other persons had forcibly entered into the liquor shop and had forcibly took away 27 bottles of English Whiskey and cash amount of Rs. 5,300/- and fled away. There was a delay of five days in lodging the FIR and reason for the said delay in reporting the



matter to police as given by the complainant is that since he knew some of the snatchers, hence, he had been searching for them in the meanwhile. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Jalandhar which was dismissed vide order dated 29.11.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that there is delay of five days in reporting the matter to the police which has not been explained at all. The prosecution story is quite unnatural and improbable. Since as per the allegations, one of the vehicles in which the snatchers had come was driven by one Karni @ Bona who is of a very short height and is unable to drive a car. He is ready to join the investigation. His custodial interrogation is no more required. With these broad submissions, it is urged that the petitioner deserves to be released on bail

4. *Per contra*, learned Senior DAG, Punjab who has advance notice of the petition, has submitted that there are serious and specific allegations against the petitioner. The recovery of the snatched liquor bottles as well as money is to be effected from him. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is argued 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 entered into liquor shop wherein the complainant was employed as a salesman as on 18.09.2024 and is further alleged to have taken away/snatched 27 bottles of liquor and money from the said shop. Recovery thereof is to be effected. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is also well settled that 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, however, clarified that the 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

9th December, 2024
Parveen Sharma

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