

201

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

**CRM-M-129-2014 (O&M)
Date of decision: 14.05.2015**

Gurbaksh Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. A.S. Sullar, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Mr. Pritam Saini, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.151 dated 31.08.2013 under Sections 420, 467, 468, 471, 506 IPC, registered at Police Station Radaur, District Yamuna Nagar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that petitioner himself was a victim and he has been falsely implicated in the present case. So far as the other FIR bearing No.59 dated 28.02.2015 is concerned, he submits that the same is being sought to be quashed on the basis of compromise. Similarly, FIR No.145 dated 06.03.2010 registered at Police Station Roorkee, District Haridwar (UP) has been cancelled. He next

contended that petitioner has joined the investigation and cooperated with the investigating agency, he is no more required for the purpose of any further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Suresh Kumar, Police Station Radaur, District Yamuna Nagar, submits that petitioner was not a victim but an accused in the present FIR as well as in FIR No.59 dated 28.02.2015. Similarly, he was accused in FIR No.145 dated 06.03.2010, registered at Police Station Roorkee, District Haridwar (UP). It shows that the petitioner was indulging in commission of identical offences repeatedly. He further submits that allegations levelled against the petitioner have been found substantiated by the investigating agency, during its investigation. He next contended that in fact, it was a racket going-on on the large scale. Innocent people of the area were being looted whose amount has been transferred through bank transactions. He concluded by submitting that the custodial interrogation of the petitioner is necessary. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the case noticed hereinabove, petitioner has not been found to be entitled for the concession of anticipatory bail. It is so said because the allegations are direct and serious. He has been found involved in three FIRs of similar nature. It, prima facie, shows that the petitioner was indulging in commission of this kind of offence repeatedly.

Without commenting anything further in this regard, lest it should prejudice the rights of either of the parties, this Court is of the considered view that the custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

14.05.2015
vishnu