

Crl. Misc. No. M-14937 of 2015

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

Crl. Misc. No. M-14937 of 2015 (O&M)
Date of decision: 14.05.2015

Vishal Anand ...Petitioner
Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Akashdeep Singh, Advocate, for the petitioner.
Mr. Naveen Sheoran, DAG, Haryana.
Mr. J.S. Bedi, Sr. Advocate, with
Mr. Harpreet Multani, Advocate, for the complainant.

PARAMJEET SINGH, J. (ORAL)

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Allowed. Annexures P/3 to P/6 are taken on record subject to all just exceptions.

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Instant petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case FIR No.254 dated 11.04.2015 registered under Sections 419/420/467/468/471/167/120-B IPC at Police Station Civil Lines, Karnal, District Karnal.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner vehemently contended that at the most petitioner can be involved in the offence under Section 120-

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B IPC. Learned counsel for the petitioner further contended that it was Umed Singh who has allegedly forged an application which was submitted to the bank for supplying the copy of the statement of account of the complainant. It is further submitted that it is ASI Umed Singh, who has impersonated himself as Dharam Singh ASI. In these circumstances, petitioner has not committed any offence under Sections 419/420/467/468/471/167/120-B IPC. Learned counsel for the petitioner further contended that as the petitioner and his family members have filed complaint under Section 138 of the Negotiable Instruments Act against the complainant involving an amount of ₹ 2.00 crores, therefore, just as a counter-blast to that complaint, present FIR has been got registered against the petitioner. Learned counsel for the petitioner also contended that cheques issued by the complainant in favour of petitioner and his family members relate to State Bank of India whereas the alleged statement of account obtained by Umed Singh posing as Dharam Singh relates to Punjab National Bank, thus, alleged incident has no relevancy with the petitioner in any manner. Learned counsel for the petitioner further contended that there are no call details between Umed Singh and the petitioner. Otherwise also mere obtaining a statement of account will not cause any loss nor affect the rights of the complainant in any manner. Learned counsel for the petitioner further submitted that so far as the role of Balbir Singh (since deceased) qua petitioner and his family members is concerned, it has no relevancy although there may be some phone calls between the father of the petitioner and Balbir Singh. Otherwise also, the case is based only on documentary evidence and custodial interrogation is not required in such

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cases. Learned counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court in *Arnesh Kumar v. State of Bihar and another*, 2014(3) R.C.R. (Criminal) 527.

On the other hand, learned counsel for the State as well as learned senior counsel for the complainant vehemently contended that role of Balbir Singh is very crucial. He was a link between the petitioner and ASI Umed Singh, who has impersonated himself as ASI Dharam Singh. Umed Singh obtained the statement of account from bank just to help the petitioner. Whatever may be the ultimate effect of that statement, that is to be seen at the time of trial and not at the stage of consideration of anticipatory bail application. It is contended that petitioner through Umed Singh and Balbir Singh was illegally collecting the evidence to harm the interests of the complainant. Learned senior counsel for the complainant referred to the disclosure statement of Umed Singh from the police file specifically from 11.04.2015 wherein the name of the petitioner as well as Balbir Singh have been referred to and it has been mentioned in the said statement that with a purpose to help the petitioner under the influence of Balbir Singh out of greediness he has done so.

I have considered the contentions raised by learned counsel for the parties.

There appears to be deep-rooted conspiracy, otherwise ASI Umed Singh was not required to go to the Bank. There is categorical admission of Umed Singh in the statement before the Investigating Officer that he was not aware of the CCTV camera installed at the bank.

In fact, due to his greediness he had gone to the bank. In these

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circumstances, this Court is of the opinion that there may be deep-rooted conspiracy in this case. Although petitioner has been involved under Section 120-B IPC, as it prima facie appears from the reading of the FIR, otherwise this Court is of the view that it may have larger ramifications. It is settled principle of law that relationship of a consumer with a bank is a personal matter and bank is not required to disclose the contents of a particular person who is having account at that bank. The same can be narrated to the concerned person only and not to third person unless specifically required by some competent authority i.e. in the peculiar circumstances of the case or under the orders of the Court. In these circumstances, motive is yet to be determined and the petitioner may be involved in the same, which will only come out if the petitioner and other related persons are interrogated. Thus, to find out the truth, custodial interrogation is necessary.

So far as the judgment in *Arnesh Kumar's* case (supra) cited by learned counsel for the petitioner is concerned, there is no dispute regarding the settled proposition of law but the fact remains that when some scam or other things are to be unearthed, custodial interrogation is necessary.

In view of above, without going into the merits of the case, present petition is dismissed.

(Paramjeet Singh)
Judge

May 14, 2015
R.S.