

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

CRM-M-18761-2015

Date of decision: 20.08.2015

Sanjeev Kumar @ Simmi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. Harpreet Multani, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.81 dated 07.05.2015 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Navi Baradari, District Jalandhar.

Notice of motion was issued and interim protection was granted.

Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the present case only because of political reasons. He further submits that petitioner has already joined the investigation and he is no more required for the purpose of any further investigation. He also submits that since the police report under Section 173 Cr.P.C. has already been presented, petitioner is entitled for the concession of anticipatory bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Veer Singh, Police Station Navi Baradari, District Jalandhar, submits that though petitioner has joined the investigation but he did not cooperate with the investigating agency. Neither the amount of Rs.10 lacs received by the petitioner has been got recovered nor his other co-accused including the lady who impersonated herself as Naseeb Kaur, at the instance of the petitioner, has been arrested so far. Other three more co-accused of the petitioner are still at large. He concluded by submitting that in such a situation, custodial interrogation of the petitioner is very much necessary to carry out the effective investigation qua the petitioner and his other co-accused who are yet to be arrested. He prays for dismissal of the present 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 contentions raised, this Court is of the considered opinion that in the totality of facts and circumstances of the case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said because allegations against the petitioner are direct and serious. He did not cooperate with the investigating agency in getting the recovery effected.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that in the peculiar fact situation of the present case, custodial interrogation of the petitioner shall be the compulsive necessity of the investigating agency so as to conduct an

effective investigation qua the petitioner and his other co-accused who are yet to be arrested.

No case for anticipatory bail has been made out.

Dismissed.

20.08.2015

vishnu

[RAMESHWAR SINGH MALIK]
JUDGE