

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

**CRM-M-18919 of 2015
Date of Decision: 3.6.2015**

Rajinder Singh

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Deepender Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 102 dated 29.4.2015 under Sections 419/420/465/467/468/471/120-B IPC registered at Police Station Shimlapuri, District Ludhiana.

Learned counsel for the petitioner submits that petitioner is a bank employee. Petitioner is having a long and unblemished service record of 30 years to his credit. Petitioner is also facing a departmental enquiry. He further submits that the present case is based only on the documentary evidence and nothing is to be recovered from the petitioner. He concluded by submitting that since the petitioner is not required for custodial interrogation, he is entitled for the concession of anticipatory bail. In support of his contentions, learned counsel for the petitioner places reliance on a judgment of

the Hon'ble Supreme Court in Parvinderjit Singh and another Vs. State (U.T. Chandigarh) and Anr, 2008 (13) SCC 431 and a judgment of this Court in Sakrullah Khan Vs. State of Haryana, 2001 (3) RCR (criminal) 137. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner, 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 given fact situation of the present case, instant one has not been found to be a case wherein petitioner can be extended the concession of anticipatory bail. It is so said, because allegations against the petitioner are specific and direct which are serious in nature. As many as 101 credit cards were prepared on the basis of forged and fabricated record. As a result thereof, petitioner with his co-accused misappropriated a huge amount of public money of about ₹50 lacs.

So far as the judgments relied upon by the learned counsel for the petitioner are concerned, there is no dispute about the law laid down therein. However, close perusal thereof would show that none of the cited judgments is of any help to the petitioner, being distinguishable on facts. Further, it is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533**.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, this Court is of the considered view that 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

3.6.2015
AK Sharma