

CRM-M-22449-2015

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

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Date of Decision: 03.08.2015

Ravi Kant Sharma

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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. Satish Goel, Advocate,
for the petitioner.

Mr. K.S.Sidhu, DAG, Punjab.

Mr. Anil Kumar Garg, Advocate,
for the complainant.

Paramjeet Singh, J.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.41 dated 13.04.2015, registered at Police Station Bhawanigarh, District Sangrur, under Sections 384/389/506/120-B of the Indian Penal Code.

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

Learned counsel for the petitioner vehemently contended

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that the petitioner is innocent and has no role to play in the alleged offence. He further contended that the petitioner has no relationship with Brahmpreet Singh and Daljeet Singh. The petitioner is Bureau Chief of Chardikala Time T.V., Jammu and Kashmir region and was there on the days of alleged offence. The authorities of Chardikala Time T.V. have provided mobile No.92164-21006 to the petitioner for the last 5 or 6 years and it remains with him all the times and he uses only this mobile phone. No talk took place between the petitioner and co-accused w.e.f 01.04.2015 to 03.04.2015. The petitioner is not involved in the alleged offence and has been falsely implicated in the present case.

Per contra, learned State counsel and learned counsel for complainant vehemently contended that the petitioner had issued identity cards under his signatures in favour of co-accused, Brahmpreet Singh and Daljeet Singh. The said identity cards have been recovered from the co-accused which are alleged to have been signed by the petitioner and the same are attached with the judicial files, photocopies thereof have been sent to this Court in pursuance of order dated 30.07.2015. The petitioner has played an active role in the commission of alleged crime. They further contended that mere non-presence of the petitioner at the spot does not mean that the petitioner was not a party to the alleged offence, specifically when identity cards issued by him have been recovered from the possession of co-accused.

I have considered the rival contentions of learned counsel

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for the parties.

Media is known as fourth pillar of democracy. The media has taken upon itself the right to carry out operations that are carefully scripted to apprehend defaulters as they take the bait offered. However, in the present case, there are serious allegations against the petitioner and co-accused that they are extracting money in the name of alleged sting operations carried out by them. The petitioner has taken pleas that he had not issued the said identity cards in favour of co-accused and is not involved in the offence, the said pleas are not acceptable as non-presence of the petitioner on the spot at the relevant time is not sufficient to believe the version of petitioner to be true. In the offence of conspiracy, many people act in a secret manner and custodial interrogation can only reveal as to how the offence has been committed and unearth the alleged conspiracy used for extracting money from the doctors under the garb of sting operations. The method used to entrapment in the present case appears to be adopted, is decoy tactics and to induce the person to commit the offence. Otherwise also, call details of the petitioner and mobile phones used in the offence are yet to be recovered. In ***State represented by C.B.I vs. Anil Sharma*** 1997(4) RCR(Criminal) 268, it has been held as under:

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 if

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the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he [is] interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

Keeping in view the law laid down by the Hon'ble Supreme Court in *Anil Sharma's case (supra)* and the alleged involvement of the petitioner and issuance of identity cards by him to the co-accused, this Court is of the opinion that the petitioner is not entitled to the concession of anticipatory bail.

Dismissed.

03.08.2015
parveen kumar

(Paramjeet Singh)
Judge