

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM No.M-26311 of 2015 (O&M)
Date of Decision : 19.8.2015

Joginder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Mr. A.P.S. Deol, Sr. Advocate with Mr. Daldeep Singh,
Advocate for the petitioner.
Mr. S.S. Sidhu, Advocate for the complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

CRM No.26790 of 2015

Applicant seeks permission to place on record additional documents as Annexures P-5 to P-8.

Application is allowed as prayed for.

CRM stands disposed of.

CRM No.M-26311 of 2015

Petitioner seeks pre-arrest bail in FIR No.110 dated 16.7.2015 under Sections 306, 511, 506, 34 IPC registered at Police Station Sangat, Distt. Bathinda.

Learned Senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Placing reliance on

numerous documents Annexures P-3 to P-8, he submits that the complainant did not pay any amount to the petitioner. The money which the complainant has alleged to have been paid to the petitioner, as a matter of fact, has been paid to the bank by the complainant for getting his mortgaged land redeemed. In this regard, he refers to the entries made by the revenue officers in Annexure P-3 at page 16 of the paper book and also the jamabandi for the year 2012-13 (Annexure P-2). He prays for allowing the present petition.

On the other hand, learned counsel for the complainant submits that Rs.32 lacs was paid to the petitioner, whereas the remaining amount was paid to the bank for getting the mortgaged land redeemed. He refers to numerous documents shown to the court in the form of Form 'J' to contend that the total amount received by the petitioner was more than Rs.65 lacs on account of agricultural produce having been supplied in the market. He prays for dismissal of the present petition.

Having heard 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 keeping in view the peculiar fact situation of the present 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. A huge amount of Rs.32 lacs was alleged to have been paid to the petitioner.

During the course of hearing, when a suggestion was put to learned Senior counsel for the petitioner to get instructions, whether the petitioner is ready to show his bonafide by making payment of some reasonable amount to the complainant, he submitted that petitioner is not liable to pay any amount.

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 shall be the compulsive necessity for the investigating agency, so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

19.8.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE