

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-30733-2015
Date of decision:10.9.2015

Belly Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Present: Ms.G.K.Mann, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in complaint No.COMA/2/2015 dated 21.7.2015 under Section 45 (1) read with Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 titled as 'Niranjan Singh v. Ranjit Singh Kandola @ Raja Kandola and others (Annexure P-3), pending before the court of learned Sessions Judge, Jalandhar.

Learned counsel for the petitioner submits that except FIR No.60 dated 1.6.2012, petitioner is not facing any other criminal trial but for the present one. She further submits that since it is a complaint case, custodial interrogation of the petitioner, as such, is not required. She next contended that petitioner is a young man of about 22 years and had been pursuing his study abroad. He has been falsely implicated in these cases only because his parents were found involved under the Prevention of Money Laundering Act. She also places reliance on an order dated 26.8.2015 passed by a Division Bench of this Court in **Gurpreet Kaur @ Gurmeet Kaur v Niranjan Singh, Assistant Director, Director of Enforcement, GOI.** She prays for allowing the present petition.

Having heard the learned counsel for the petitioner 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 facts and circumstances of the case, petitioner has not been found entitled for

anticipatory bail. It is so said, because allegations are serious in nature. Petitioner has been found involved in another case bearing FIR No. 60 dated 21.7.2012, under the NDPS Act, wherein one kilogram of heroin was recovered from his possession, although, he is stated to be on bail in the said case.

So far as the order dated 26.8.2015 passed by a Division Bench of this Court is concerned, the same has not been found of any help to the petitioner. It is the settled proposition 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.

Keeping in view the above-said peculiar fact situation obtaining in the present case and also in view of the law laid down by the Hon'ble Supreme Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra & others**, AIR 2011 SC 312., 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 has been made out.

Dismissed.

10.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE