

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

**Criminal Misc. No. M-35378 of 2014
Date of Decision: 20.10.2015**

Murari Lal

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sandeep Jasuja, Advocate
for the petitioner.

Mr. P.S. Bajwa, DAG, Punjab.

Mr. Nripjeet Singh, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 96 dated 12.9.2014 under Sections 420/419/406/504/506/120-B IPC, registered at Police Station City, Fazilka.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that petitioner has paid the entire amount to the complainant and it is the complainant who has falsely implicated the petitioner, so as to avoid his financial liability. So far as other cases against the petitioner are concerned, learned counsel for the petitioner submits that all the

cases have been settled either on compromise or in acquittal. He concluded by submitting that in such a situation, custodial interrogation of the petitioner would not be required. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Mukhtiar Singh, as well as learned counsel for the complainant submit that petitioner is a habitual offender. Petitioner has been facing six more cases. Learned counsel for the complainant further submits that petitioner has defrauded the complainant by retaining original title deeds of his residential house. Petitioner advanced an amount of ₹2 lacs to the complainant and after the stipulated period of 18 months, complainant returned an amount of ₹2,70,000/- but the petitioner still did not return the title deeds of the complainant. They pray for dismissal of the present petition.

Having heard the learned counsel for parties and after careful perusal of record of the case, this Court is of the considered opinion that keeping in view 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. Learned counsel for the petitioner could not point out as to how an amount of ₹8 lacs was paid by the petitioner to the complainant. Even the amounts shown by way of Annexures P-2 to P-5, i.e. photocopies of the cheques, do not come to ₹2 lacs. In such a situation, this Court feels no hesitation to conclude that petitioner is trying to play smart with the bank officials

as well as with the complainant.

In view of the above and without commenting upon the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that custodial interrogation of the petitioner will be a compulsive necessity of the investigating agency, so as to carry out an effective investigation. No case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

20.10.2015
AK Sharma