

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

CRM M-42190 of 2015

Date of decision : 17.12.2015

Rajesh Chouhan

....Petitioner

V/s

State of U.T. Chandigarh

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.S. Brar, Advocate for the petitioner.

Mr. J.S. Toor, Advocate for U.T. Chandigarh.

RAJAN GUPTA J.

This is a petition filed under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner vide FIR No. 644 dated 01.12.2015 under sections 406, 420, 467, 468, 471 IPC at Police Station Mani Majra, Chandigarh.

Learned counsel for the petitioner contends that petitioner was innocent and has been falsely implicated in the case. There is nothing to connect the petitioner with the crime. Infact petitioner was duped by one Vinod Kumar Dogra regarding which he has already lodged an FIR. According to him, case is based primarily on documentary evidence, thus, petitioner deserves the concession of pre-arrest bail.

Learned counsel appearing for the U.T. Chandigarh has opposed the plea. He submits that petitioner duped the complainant with ₹7.00 lacs on the pretext of getting his brother employed as Peon in Punjab and Haryana High Court. However, when he demanded his money back, he issued a cheque which was

dishonoured. His custodial interrogation is necessary to unravel the modus operandi of commission of crime.

I have heard learned counsel for the parties.

FIR was registered on the direction of court in exercise of power under section 156 (3) Cr.P.C on the complaint of Bhagwan Singh. He alleged that petitioner demanded a sum of ₹7.00 lacs from him on the promise that his brother would be employed as Peon in Punjab and Haryana High Court. However, when he did not adhere to his promise, complainant demanded his money back. Petitioner issued a cheque in favour of the complainant which was dishonored. Investigation ensued. Stand of the investigating agency is that efforts were made to trace the accused but there is no clue so far. It appears that modus operandi of the entire crime has not yet been unearthed. Custodial interrogation of the petitioner would reveal the entire truth.

Keeping in view entire facts and circumstances of the case particularly the fact that investigation is at a crucial stage, I am of the considered view that no case for grant of pre-arrest bail is made out. Investigation has to be taken to its logical end. Petition is, thus, without any merit and is dismissed.

December 17, 2015

Ajay

(RAJAN GUPTA)
JUDGE