

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15532 of 2017 (O&M)

Date of decision : 11.8.2017

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Kuldeep Bishnoi

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Aditya Sanghi, Advocate for the petitioner

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

This petition for pre-arrest bail has been filed by Kuldeep Bishnoi, an accused in FIR No.80 dated 30.1.2017, under Section 395 IPC, registered at Police Station City Fatehabad, District Fatehabad.

Briefly stated, the case of the prosecution is that on 20.12.2016 at about 4.30 complainant Sunil s/o Chajju Ram, of Jat community r/o Balasmand, District Hisar, dealing in furniture business, had received a telephonic call on his mobile No. 9813571649, 9813913792 from mobile No. 9982022428 as well as

9416234893, from Kanharam and Rajkumar, informing that the caller had old currency and required new notes and for that commission would be paid. Initially complainant was reluctant, but subsequently, he was taken in by the offer and arranged a sum of Rs.15 lacs from his friends Sanjay and other relatives. Then he alongwith his friend Baljit s/o Hawa Singh and Sanjay s/o Karan Singh reached Fatehabad and came across Raj Kumar @ Raj and Satnam. They had come in a car in which five persons were sitting, who directed them to sit in their car. Complainant made his friend Sanjay sit in their car and they left. After some time, another car with blue light came, in which 3-4 persons were sitting. They took out Sanjay from the first car and thrashed him and took away Rs.15 lacs from him. The incident had taken place near Saccha Sauda Canteen. Formal FIR was registered. During the course of investigation, accused Satnam Singh @ Kala was arrested who suffered a disclosure statement, nominating accused Ravinder Singh @ Ravi, who was arrested on 15.2.2017 and he got recovered a sum of Rs.5,000/-, besides getting the place of occurrence demarcated. During further investigation, involvement of 15 more accused was found to be there. As far as present petitioner – Kuldeep Bishnoi is concerned, his name besides those of Kanha Ram, Raj Kumar, Mahabir, Rahul, Raj, Satnam, Bhajan etc. are specifically mentioned.

Feeling apprehensive of arrest in this case, petitioner Kuldeep Bishnoi had approached the Court of Sessions for grant of pre-arrest bail, but his such request was declined by Additional Sessions Judge, Fatehabad vide order dated 10.4.2017, as such he had

approached this Court with similar request.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has argued that there is delay of about 40 days in lodging of the FIR. The intention of the complainant himself was bad, as he wanted to earn commission for exchange of notes. The petitioner has since joined the investigation. Therefore, no recovery is to be effected from him, as such he be granted pre-arrest bail.

Whereas, learned State counsel has countered such assertions.

After hearing rival contentions of counsel for both the parties, I find that as far as delay in lodging the FIR is concerned, that is not much material at this stage, while considering whether the petitioner is entitled to grant of pre-arrest bail or not. As regards petitioner having joined the investigation, during the period he was granted interim bail by this Court, the State counsel has informed that he has not cooperated with the investigating agency and has not got any recovery effected, rather there are serious allegations of snatching of money to the tune of Rs.15 lacs by the petitioner and his co-accused. Therefore, it comes out that custodial interrogation of petitioner is required for thorough and effective interrogation to find out the complete story as to under what circumstances the planning to snatch a sum of Rs.15 lacs from complainant was done, who are the other persons involved in the planning and execution of the crime and how the money so looted was distributed between the criminals

forming part of planning and execution. If the custodial interrogation is denied to the agency that shall leave many loose ends and loopholes in the investigation, which is uncalled for.

Thus finding no merit in the application, the same stands dismissed.

(H.S. Madaan)
Judge

11.8.2017		
chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No