

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16843 of 2017 (O&M)

Date of decision : 3.11.2017

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Baljinder Singh @ Joban

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. L.M. Gulati, Advocate for the petitioner

Ms. Samina Dhir, Deputy Advocate General, Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner – Baljinder Singh @ Joban Sukhdev Singh, an accused in FIR No. 176 dated 4.9.2016, for offences under Sections 420, 381, 34 IPC, registered with Police Station Jandiala, District Amritsar.

Briefly stated, the facts of the case are that FIR in this case was registered on the statement of complainant Surender Singh s/o Sham Singh, r/o Guru Teg Bahadur Nagar, Jandiala Guru, Jandiala, Amritsar, aged about 65 years, in which he stated that he is running a commission agent shop under the name and style of M/s Laxmi

Narain Agro Food, at New Anaj Mandi, GT Road, Jandiala, maintaining account with Punjab National Bank, Jandiala Guru, Amritsar; that on 3.9.2016 at about 11.14 A.M. a message was received from the bank on his mobile that a sum of Rs.3,75,000/- had been deducted from his account. He immediately made an enquiry from his Accountant and thereafter went to the bank and enquired from the bank Manager, as to who had withdrawn the money from his account. The Manager checked his account and from the CCTV footage, it was found that Baljinder Singh @ Joban, his car driver alongwith another boy namely, Sharan s/o Kulwant Singh Numberdar, resident of Khui Sahib, Verowal Road, Jandiala, had withdrawn a sum of Rs.3,75,000/- after stealing his signed cheque from the almirah of commission agent shop, after preparing a duplicate key of his locker. Sucha Singh was written on the back of cheque. Both the accused had been spotted by Sukhanpreet @ Gora, while entering the bank and withdrawing the amount. After the registration of FIR, the investigation in the case started. Apprehending his arrest, the petitioner had approached the court of Sessions for grant of pre-arrest bail, but his such request was declined by Additional Sessions Judge, Amritsar, vide order dated 7.3.2017, as such he has approached this Court with similar request by filing the present petition.

Notice of the petition was given to the State.

I have heard learned counsel for the parties, besides going through the record of the case.

Learned counsel for the petitioner has stated that since the

petitioner had been granted interim bail by this Court he has joined the investigation and cooperated with the investigating agency, therefore, his custodial interrogation is not required. He has further argued that petitioner is maintaining two accounts with Punjab National Bank, Jandiala, as such his going to the said branch is nothing unusual. The complainant was annoyed with the petitioner, as such he has involved him in this false case.

On the other hand, learned State counsel has contended that though the petitioner has joined the investigation, but has not cooperated therein. He has committed a heinous crime. He alongwith his co-accused are visible in the CCTV Footage of the bank. Recovery is yet to be effected from him and out of the two bank accounts, stated by counsel for the petitioner, one of the bank account was closed on the date in question, whereas the other was a loan account, from which the money could not possibly be withdrawn. She has prayed for dismissal of the petition.

After hearing rival contention of the parties, I find that the petition is doomed for failure. Pre-arrest bail is a discretionary relief which is to be granted by the Court keeping in view facts and circumstances and in exceptional cases. It is not to be granted in routine.

As per prosecution story, the petitioner working as driver with the complainant, had stolen the blank signed cheque, by preparing the duplicate key of the almirah and thereafter by indulging in fabrication and forgery of the cheque, has withdrawn substantial amount of Rs.3,75,000/-. Though he has joined the investigation but

has not got recovered the amount. His custodial interrogation is required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many loose ends and gaps in the investigation adversely affecting prosecution case, which is not called for.

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

(H.S. Madaan)
Judge

3.11.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No