

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

Date of decision: 06.07.2017

CRM-M No.22754 of 2017

Sukhwinder Singh @ Raju

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Kashyap, Advocate, for the petitioner.

Mr. A.A.Pathak, Addl. AG, Punjab.

RAJIV NARAIN RAINA, J.

Petitioner - Sukhwinder Singh @ Raju has preferred this petition under Section 438 Cr.P.C. for the grant of anticipatory bail in a case registered against him vide FIR No.266 dated 27.05.2017 for the offences punishable under Sections 420, 467, 468, 120-B IPC at Police Station Civil Lines, District Police, Commissionerate, Amritsar.

I have heard learned counsel for the petitioner and learned Law Officer representing the State and given my careful thought to the facts of the case and the submissions made at the Bar and I am inclined to think as would follow.

The allegations contained in the FIR, which was recorded pursuant to a joint complaint moved by 46 persons, who are working in Municipal Corporation, Amritsar as daily workers for the last two years relevant to the consideration, are that the petitioner by alluring the

complainants by promising to them falsely hope of obtaining permanent Class IV jobs in the Municipal Corporation, Amritsar, by taking amounts of money ranging from Rs.50,000/- to Rs.3,00,000/- per person for procuring permanent job openings. When they asked the petitioner of his commitment he replied that he has passed on the money to one Ravi Chauhan and other Senior Officers of the Municipal Corporation. They also complained that they were not paid any salary rather they were issued identity cards without any stamp of any Officer of Municipal Corporation and were blindly issued to them.

It is obvious that the allegations levelled in the FIR are rather serious. The argument of the learned counsel about inadmissibility of evidence available against the petitioner is not relevant at this stage. In fact, his name was specifically mentioned in the FIR and his custodial interrogation may be required to take the investigation to its logical end to crack the links and the modus operandi adopted. The petitioner approached the court of Additional Sessions Judge, Amritsar for anticipatory bail and the application has been declined on 20.06.2017.

As is evident from the record summoned, very specific and direct allegations are assigned which shows that the petitioner had obtained huge sums of money from 46 gullible persons on the pretext of providing them permanent jobs. Not only this, the petitioner was involved in making fake identity cards of the complainants, the originals of which have been produced before the Court for its perusal by the learned Law Officer from the police record.

Taking into consideration the seriousness of the allegations of criminal nature and related factors mentioned above, the custodial interrogation of the petitioner appears essential and he is not entitled to the concession of anticipatory bail. To my mind, if he is allowed the concession of anticipatory bail, then the police will be deprived from effectively trying to recover the money, the forged documents and of ascertaining the magnitude of such scams and hamper effective investigation, which might adversely affect and weaken the case of the prosecution, which is not legally permissible.

It is by now a well settled principle of law that the order of anticipatory bail cannot be allowed to circumvent normal procedure of arrest and effective investigation by the police. The Court has also to see that the investigation remains in the province of the police and an order of anticipatory bail should not operate as an in-road into the statutory investigational powers of the police, in exercising judicial discretion in granting an anticipatory bail. The Court should not be unmindful of the difficulties likely to be faced by the investigating agency and the public interest likely to be affected thereby. Therefore, keeping in view the seriousness of the allegations of the commission of offences in question, no extra-ordinary ground, much less cogent to grant anticipatory bail to the petitioner is made out.

In view of the above and without commenting anything on merits, least it may prejudice the case of either side during the course of the trial of the main case, I find that there is no merit in the prayer in the petition

and would therefore dismiss the instant petition for anticipatory bail filed by the petitioner.

06.07.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>