

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

Crl. Misc. No. M-23595 of 2017

Date of Decision: 7.7.2017

Rahul Majithia

... Petitioner

Versus

State of Punjab

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Navkiran Singh, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.117 dated 25.5.2017 under Sections 306, 506, 511 of the IPC registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner contends that the deceased had obtained loans from various persons as also from the petitioner. He was unable to re-pay the outstanding loans obtained by him. He was left with no option, but to commit suicide. Learned counsel further contends that the deceased in order to satisfy the outstanding loan to the petitioner entered into an agreement to sell his residential house to the petitioner and to this effect an agreement to sell had been entered into between the petitioner and the deceased. Lateron, the petitioner came to know that the deceased sold the said property to some other person.

With the leave of this Court, Mr.P.S Ahluwalia appears in Court on behalf of the complainant and files Vakalatnama which is taken on record. He controverts the submissions of the learned counsel for the petitioner. He contends that the petitioner is a notorious person who is involved in seven other FIRs which are pending against him at Police Station City Rajpura. In support of his submission, he has produced a list

of the seven FIRs registered under various Sections of the IPC such as Section 307 (Attempt to Murder), Section 452 (House-trespass after preparation for hurt, assault or wrongful restraint) of the IPC etc. as also Sections 24/54/59-A of the Arms Act. The list of FIRs is taken on record as Mark “A”. He further contends that the witnesses in the agreement to sell on which the petitioner is heavily relying upon, have made a statement that their signatures had been forged. The applicant has been named specifically in the FIR as also in the suicide note. Learned counsel submits that the police is to investigate the case for which the custodial interrogation of the petitioner would be required to elicit information and material regarding his involvement.

I have heard learned counsel for the parties and perused the paper-book.

The arguments of the learned counsel for the petitioner are matters to be appreciated at the time of evidence during trial. The petitioner has been specifically named in the FIR as also in the suicide note. Therefore, in the facts and circumstances, the custodial interrogation of the petitioner would be required and the present is not a case which would entitle the petitioner to the concession of pre-arrest bail.

Consequently, this petition is dismissed. However, the above observations made by this Court will not influence the merits of the case.

7.7.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No