

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

CRM-M-26793 of 2017

Date of decision: 30.10.2017

Harmandeep Singh Sidhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.K.S. Phoolka, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Harmandeep Singh Sidhu, an accused in FIR No.133 dated 24.6.2017, under Section 420 IPC, registered at Police Station Civil Lines, Bathinda, District Bathinda.

Briefly stated, the facts of the case as per prosecution version are that FIR in this case was registered on the basis of a written complaint submitted by complainant Jasvir Dass son of Gurjant Singh, resident of Bhaliawana, Tehsil Gidarbaha, District Muktsar Sahib dated 8.5.2017 addressed to Senior Superintendent of Police, Bathinda, wherein he

contended that Harmandeep Singh Sidhu came to Dhillon Hospital in September, 2016 in connection with treatment of his relative and came across the complainant, who was an employee there; that during the course of conversation, he represented that he had connection with Akali Dal party having links with big politicians and 8-10 posts of government Clerk in Patwarkhana were to be filled up and he could manage his appointment there; that the complainant discussed with his friend and both of them became desirous of being selected for the said posts; that they accordingly contacted Harmandeep Singh Sidhu in the month of November, 2016, in presence of Hardeep Singh and Balwant Singh, who had received Rs.2,20,000/- in cash from Jasvir Dass and Rs.70,000/- in cash from Buta Singh, whereas the remaining amount was settled to be paid after selection; that Harmandeep Singh Sidhu took copies of educational certificates and documents regarding residential proof of both such persons and after 10 days, he called them telephonically saying that their work was done and he was to get their appointment letters asking for giving blank cheques of the remaining amount. In that way he received four blank signed cheques from Buta Singh and Jasvir Dass each, however, he could not manage their selection and made excuse of election code being enforced and thereafter he stopped answering their calls. In that way he played fraud with them. Inter alia, in the complaint, the complainants contended that they had recorded the conversation with accused. After receipt of this complaint, the matter was inquired into, the accused was summoned but he did not join the inquiry. Finding allegations in the complaint to have merits, formal FIR was registered.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 13.7.2017, as such he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which has appeared through State counsel.

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

Learned counsel for the petitioner has contended that complainant Jasvir Dass and Buta Singh had been on visiting terms with the petitioner and Buta Singh had borrowed a friendly loan of a sum of Rs.3 lacs from him on 25.11.2015 and had paid a sum of Rs.44,500/- as interest on that amount to petitioner through his account on 4.11.2016 and to discharge that liability had issued cheque bearing No.019262 dated 11.4.2017 in the sum of Rs.3 lacs drawn on Central Bank of India, Bank Bazar, Bathinda which was dishonoured on 31.5.2017; that similarly Jasvir Dass had also raised friendly loan of a sum of Rs.3,30,000/- from the petitioner and in discharge of that legal liability, he had issued cheque bearing No.000883 dated 16.4.2017 for a sum of Rs.3,30,000/- drawn on ICICI Bank Branch, Bank Street, Bathinda which was dishonoured on 31.5.2017; that thereafter Buta Singh and Jasvir Dass in order to save their skins had submitted a complaint to SSP, Bathinda on false allegations; that if the allegations were true, the complainants could have given instructions to their respective banks to stop payment which they did not,

rather the cheques had been dishonoured due to insufficient funds; that the petitioner had served legal notice dated 13.6.2017 upon such complainants; that the complainants have not filed any civil suit for recovery against the petitioner so far. Therefore, it is prayed that the petition be accepted.

On the other hand, learned State counsel has contended that the story put forward by the petitioner is nothing but concoction. He had misused two blank signed cheques given to him by the complainants and then started claiming that those cheques had been issued on account of discharge of financial liability. As a matter of fact, he had received four blank cheques each from them on the allurement to get Government jobs for them.

After hearing the rival contentions of the parties, I find that no case for grant of pre-arrest bail to the petitioner is made out. On complaint dated 8.5.2017 having been submitted by the complainants to SSP, Bathinda, the matter was inquired into, as specifically mentioned in the FIR itself in the proceeding part, the petitioner had been summoned to join inquiry but he did not do so. If he had a counter version, he should have joined the inquiry and explained the same to the Inquiry Officer. The inquiry had been conducted by SHO of the police station, which was accepted by DSP City, Bathinda and SSP, Bathinda. FIR had been registered after seeking opinion from DDA Legal, Bathinda. It seems that accused has come up with the story now given in the petition just to put up a probable defence, which under the circumstances does not seem to be convincing. Rather the prosecution version comes out to be more probable

and plausible. Keeping in view the nature of the allegations, the custodial interrogation of the petitioner is necessary for complete and effective investigation so also to effect the recovery of the amount so given to him by the complainants as well as the documents, which he received from them. It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

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

30.10.2017

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No