

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

**CRM-M-31847-2017
Date of decision :12.09.2017**

Chahat

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J.

This petition for pre-arrest bail has been filed by Chahat an accused in FIR No.102 dated 03.06.2017 for offences under Sections 342, 323, 380, 506, 148 and 149 IPC, Police Station Division No.3, Jalandhar.

Briefly stated facts of the case as per prosecution version are that FIR in question was registered on the basis of statement of complainant – Robin Chauhan son of Avinash Chander resident of H. No.152 Rasta Mohalla Jalandhar which he got recorded with the police on 03.06.2017.

Inter alia it stated that he is working as a car mechanic at Kachehri Chowk, Jalandhar. On 01.06.2017 at about 8:00 p.m. Kaka resident of Rasta Mohalla Jalandhar made a telephonic call stating that his

car had developed a snag asking him to come to Mohalla Kot Pakshia. The complainant accordingly went there and found Kaka and Chahat resident of Rasta Mohalla Jalandhar to be standing there. The complainant asked from them regarding the car, in the meanwhile Prince resident of Rasta Mohalla Jalandhar, Laddi resident of Basti Sheikh Jalandhar came there; that Chahat and Laddi made complainant to sit between them on motorcycle of the complainant having registration No. PB-08-DM-1741; that the motorcycle was being driven by Chahat, the complainant was taken to house of Asha resident of Rasta Mohalla and confined in room; that Prince called his 2-3 companions more by making telephonic calls to them; that Chahat searched the complainant and removed ₹10,000/- from the pocket of his pent; that according to the complainant, persons present there forcibly removed his clothes; that Kaka resident of Rasta Mohalla with his baseball bat gave two blows to him on the back of his left shoulder; that they made complainant lay on the ground and beat him up with *Dangs* and Kaka gave a kick blow hitting him on right side of his chest; that the entire incident was photographed by Kaka.

Prince, Laddi, Kaka and Chahat had threatened the complainant that in case he reported the matter to the police, the video recording would be made viral; that the complainant stated that he saved his life with great difficulties and when he reached home, he narrated entire story to his father and brother who got admitted him in Civil Hospital, where he got treatment; that in such statement to the police, complainant stated that Prince and Laddi with their other accomplices had formed a gang and are making illegal recoveries, however, he had refused to give money to them.

Apprehending his arrest in this case, petitioner – Chahat had approached the Court of Sessions, Jalandhar for grant of pre-arrest bail, however, his such application for bail was declined by Additional Sessions Judge, Jalandhar vide order dated 13.07.2011, as such he had knocked at the door of this Court by filing the present petition, notice of that petition was given to the State.

I have heard learned counsel for the petitioner, besides, going through the record and I find that absolutely no case for grant of pre-arrest bail to the petitioner is made out.

Recovery is yet to be effected from the accused, not only accused and his accomplices had committed heinous crime by abducting the complainant but then they illegally confined him, took of his clothes gave him beatings and forcibly took away a sum of ₹10,000/- from him and prepared video film of the entire incident threatening the complainant to make it viral in case he discloses the incident to anybody.

In a citation State Represented by the **C.B.I. vs. Anil Sharma, 1997(4) RCR (Criminal) 268**, it was observed that *custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail.*

The accused is said to be involved in another similar case registered vide FIR No.77 dated 14.05.2016 for offences under Sections 323, 324, 452, 427, 148, 149 IPC and Section 25 & 27 Arms Act which goes to show that he is a hardened criminal and needs to be dealt with sternly.

At this stage question to be decided is that as to whether pre-

arrest bail is to be granted or not. The truthfulness of the allegations in the FIR is not to be determined by holding a mini trial and the allegations are to be taken as such. Pre-arrest bail is a relief which is not to be granted just at the asking of an accused in routine manner but in exceptional circumstances. Its purpose is not to screen the criminals from legal action and to save them from custodial interrogation which being mere elicitation-oriented, result in the extraction of the important information from mouth of a criminal. Custodial interrogation of the petitioner is necessary for proper and effective investigation. In case such custodial interrogation is denied to the investigating agency, that will leave many loose ends and loopholes, adversely affecting the investigation which is uncalled for. Thus finding no merit in the petition, the same stands dismissed.

12.09.2017*Gaurav Sorot***(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**

I find that custodial interrogation of the petitioner is necessary for complete and effective investigation and if custodial interrogation is denied to the investigating agency that shall leave many loose ends and loopholes, adversely affecting investigation which is uncalled for. Thus finding no merit in the petition, the same stands dismissed.