

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 35265 of 2017 (O&M)

Date of decision : 18.12.2017

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Budh Parkash Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. R.S. Bajaj,, Advocate for the petitioner

Mr. Kirat Singh Sidhu, Deputy Advocate General,
Punjab.

Mr. Ravi Malhotra, Advocate for the complainant.

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H. S. Madaan, J.

This application for pre-arrest bail has been filed by petitioner Budh Parkash Singh, an accused in FIR No. 276 dated 28.8.2017 for offences under Sections 406, 420, 120-B IPC, registered with Police Station Nakodar, District Jalandhar.

Briefly stated, facts of the case as per prosecution version are that complainant Parkash Kaur w/o Harbans Singh, r/o VPO Sidhwan, Tehsil Nakodar, District Jalandhar, aged about 90

years, presently residing in Village Mohem Tehsil Nakodar, District Jalandhar, alongwith Smt. Manjit Kaur w/o Sarwan Singh r/o Village Sidhwan, has been maintaining a joint savings account. On 20.10.2014, she had gone to UCO Bank, Branch Noor Mehal Road, Nakodar, to transfer an amount of Rs. 4 lacs in UCO Bank, at Sidhwan. Due to her old age, she had taken alongwith her accused petitioner Budh Parkash Singh, s/o Sadhu Singh r/o Railway Road, Nakodar, Lambran Wali Gail, who was well acquainted with her and on visiting terms with her since long. When the complainant went to the bank, the Branch Manager asked her to put her signatures stating that he would then issue her a card. The signatures of complainant were obtained at 2-3 places and a card was issued to her. Later on she came to know that it was not an ATM card of the bank, but only a visiting card; that the Bank Manager had handed over the card to Budh Parkash Singh. In that way, a fraud was played with her. As a matter of fact, the card handed over to Budh Parkash Singh was ATM card, through which he withdrew a sum of Rs. 3 lacs from the account of the complainant during the period from 10.11.2014 to 31.3.2015 by making withdrawals several times in a day, almost daily. Connivance of the bank officials was also there, since norms of withdrawal were flouted by Budh Parkash Singh, without any action being taken by the bank. The attitude and behaviour of the Branch Manager Judge Juneja had also been shady and a fraud was committed by the Bank Manager Judge Juneja, Budh Parkash Singh, Mrs. Raj Sharma and other bank officials. It was duty of Mrs. Raj Sharma to issue ATM card, whereas it had been issued by the

Branch Manager. When the complainant asked the bank officials to show her signatures regarding issuance of ATM card, its page No. 28 was found to be torn. However, subsequently, it was attached.

Apprehending his arrest in this case, Budh Parkash Singh had approached the court of Sessions, for grant of pre-arrest bail. However, as such his petition was dismissed by the Additional Sessions Judge, Jalandhar, vide order dated 14.9.2017, as such he has knocked at the door of this Court craving for grant of similar relief.

Notice of the petition was given to the State.

The State has filed formal reply to the petition, submitting therein that after receipt of the complaint to the police, the matter was enquired into by DSP HQ, Jalandhar Rural and since allegations were found to be prima facie made out, then FIR had been registered. During the investigation carried out so far, it has transpired that petitioner-accused has siphoned off a total amount of Rs.32,10,939/- including interest from the account of the complainant from November 2014 till June 2015. The said money had been transferred by him in his various bank accounts, details of which are being scrutinized. In that way the petitioner has committed a fraud and criminal breach of trust with the complainant, who is an old lady. Therefore, his custodial interrogation is necessary.

I have heard learned counsel for both the sides.

Learned counsel for the petitioner has contended that the petitioner is innocent. In the FIR the allegations are mainly against the Branch Manager and bank officials; that the petitioner has not done anything wrong and has been falsely involved in this case; that

since he has joined the investigation and surrendered his passport, he be granted pre-arrest bail.

Whereas this request has been vehemently opposed by the State counsel, contending that the petitioner has indulged in heinous crime of playing fraud with an old woman committing breach of trust, which she has reposed in him and though he has joined the investigation, but he has not come up with all the facts in his knowledge and his custodial interrogation is necessary for effective investigation and for recovery of money belonging to the complainant, misappropriated by him.

After hearing the rival contentions, I find that the petition is bound to fail. The custodial interrogation of the petitioner in this case is necessary to know the details and manner of the fraud committed by him and the circumstances under which he did so, the persons whose help he might have procured in perpetrating the fraud and so also to effect the recovery of the misappropriated amount. Learned State counsel has submitted a comparative chart which goes to show that the time of withdrawal from the account of complainant tallies with the corresponding deposits in the account of the accused. Although learned counsel for the petitioner tried to explain the same, stating that those had been remitted to him by his brother residing abroad etc. but such explanation does not seem convincing.

In case of State represented by the **C.B.I. Versus Anil Sharma, 1997 (4) RCR (Criminal) 268,** Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation oriented than question a suspect who is on anticipatory bail, in a case

like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely 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 affecting the investigation being carried out adversely which is not called for.

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

(H.S. Madaan)
Judge

18.12.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No