

Sr. No.206

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-42190 of 2016 (O&M)

Date of Decision: 01.02.2017

Satish alias Kaku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vinod Bhardwaj, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. D.S.Virk, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.191 dated 18.10.2016, under Sections 406 and 420 of Indian Penal Code (offence under Sections 8/9 of PC Act added later on), registered at Police Station Guhla, District Kaithal.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Sahab Singh. Allegations are that the complainant had entrusted a sum of Rs.1,35,000/- to the present petitioner and co-accused was entrusted with a sum of Rs.1,50,000/- on the inducement that they would get the complainant as also his son as innocent who were involved in a rape case.

While issuing notice of motion, the following order was passed

by this Court on 29.11.2016:-

“Petitioner is alleged to have obtained a sum of Rs.1,35,000/- from the son of the complainant whereas a sum of Rs.1,50,000/- has been received by Joga Singh who got himself declared as innocent in a case of rape.

Counsel for the petitioner submits that name of son of the complainant was kept in column no.2 during the course of investigation by police officials.

So far as the petitioner is concerned, he is neither a police official nor he has got any authority to get the son of the complainant declared innocent.

Notice to the Advocate General, Haryana, for 17.1.2017.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 10.12.2016. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.

The investigating officer shall make available the material collected against the petitioner, during the course of investigation.”

It has gone uncontroverted that during the course of investigation it has been found that co-accused Joga Singh has already settled the matter with the complainant.

In spite of a specific query having been put, counsel appearing for the complainant has not been able to advance any cogent argument as regards the basis of having entrusted a sum of Rs.1,35,000/- to the petitioner as regards his influence with the investigating agency. The only submission raised is that the complainant was very well known to the petitioner. Even if that be so, such circumstance would be of no consequence.

Petitioner is not a police official and neither a public servant.

The petitioner having joined investigation, his custodial

interrogation as such would not be warranted.

In the peculiar circumstances and facts of the case, petition is allowed. Order dated 29.11.2016, passed by this Court, is made absolute.

Disposed of.

01.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes