

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

CRM-M-13059-2018

Date of decision:-23.4.2018

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Gaurav Sharma, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Pawan Kumar, an accused in FIR No.106 dated 17.10.2017, under Sections 403, 406, 409 IPC, registered with Police Station Kiratpur Sahib, District Rupnagar.

Briefly stated, the facts of the case as per prosecution story are that the FIR was registered on the basis of statement of complainant Deepak Sharma, ATM Coordinator in Securitrans India Pvt. Ltd.. In his such statement made to the police, he stated that cash has been loaded in the ATMs installed in Government as well as Private banks through their company and he is Incharge of ATMs, which comes within Una hub

having four routes; in Nangal route, ATMs at Nangal, Anandpur Sahib, Kiratpur Sahib and some area of Himachal Pradesh are covered; Pawan Kumar (present petitioner) and one Rajan Prabhaker were deputed for depositing money in those ATMs, however, on 14.12.2016 during audit, it transpired that cash of Rs.2 lakhs was short in those ATMs, in that way Pawan Kumar and Rajan Prabhaker had committed fraud by depositing 2 lakhs of amount less in HDFC ATM, Kiratpur Sahib.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Sessions Judge, Ropar vide order dated 14.11.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

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

The allegations against the petitioner are grave and serious of he along with his co-accused misappropriating lakhs of rupees of public money.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning 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 to find out the manner in which the whole operation was planned and executed and other persons involved in the scam. 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.

23.4.2018

Brij

Whether reasoned/speaking

: **Yes/No**

Whether reportable

: **Yes/No**

(H.S.MADAAN)

JUDGE