

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

CRM-M-16956-2018

Date of decision: May 10, 2018

Ravinder Bagle

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

Petitioner is seeking anticipatory bail in case FIR No.388 dated 04.04.2018, registered under Sections 409, 420, 467, 468, 471 of the Indian Penal Code (for short 'IPC' only) at Police Station City Jagadhri, District Yamuna Nagar.

Computerization of the revenue record has been made in these days in the State of Haryana. Now Computer Operators have been appointed to prepare the revenue record with the help of Halka Patwari and other revenue officials.

In the instant case, petitioner was appointed as a Computer Operator for the purpose of preparing revenue record. He has incorporated in the jamabandi his name as well as the name of his wife being the owners though both of them were not having any land within the area of Jagadhari, District Yamuna Nagar. On the basis of that averment, the instant FIR was registered.

Learned counsel for the petitioner has vehemently contended that jamabandi has been entered in the name of one lady

named as Sonia wife of Ravi Kumar whereas name of the wife of petitioner is Sona Devi wife of Ravinder Kumar. He further submitted that name of the petitioner correct shown in the jamabandi.

On the other hand, learned State counsel has strenuously contended that petitioner incorporated his name in the jamabandi as Ravinder Bagle son of Tulsi Ram having possession of 5579/360000 shares and entered the name of his wife showing her as Sona Devi wife of Ravinder Bagle. He also submitted that Sonia is the name of his wife whereas the lady as shown in jamabandi is Sona wife of Ravinder Bagle.

I have heard learned counsel for the parties and have gone through the record.

Admittedly, neither petitioner nor his wife were having any land in Jagadhari. Undisputedly, petitioner was working as a computer operator at the relevant time and he had been preparing current jamabandi on the computer. He incorporated name of his wife Sonia showing her as Sona Devi wife of Ravinder Bagle and he also incorporated his own name. It is matter of serious concern.

The remedy of anticipatory bail is extraordinary and should be used in exceptional cases. The Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre vs. State of Maharashtra and others 2011 AIR (SC) 312*** pleased to issue the following parameters:-

“122. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail :

i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*
- iii. The possibility of the applicant to flee from justice;*
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.*
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.*
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;*
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
- ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”*

To the mind of this court, in this case custodial interrogation is necessary therefore, petitioner is not entitled to concession of anticipatory bail.

Accordingly, the instant petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

May 10, 2018
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No