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

**CRM-M No. 18439 of 2018
DATE OF DECISION :- May 30, 2018**

Shavinder Pal Singh **...Petitioner**

Versus

State of Haryana **...Respondent**

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

Present:- Mr. G.S. Sullar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Deepak Sharma, Advocate for the complainant.

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This petition for pre-arrest bail has been filed by petitioner Shavinder Pal Singh, an accused in F.I.R. No. 164 dated 14.4.2018 for offences under Sections 406/408/420/467/468/471/506/120-B IPC registered with Police Station Baldev Nagar, District Ambala.

Briefly stated the facts of the case as per prosecution story are that Ashok Kumar, Director of 'E-Pay Infoserve Private Limited' had submitted a written complaint to the police to the effect that his company is engaged in collecting electricity bills from consumers of Uttri Haryana Vidyut Prasaran Nigam Limited (hereinafter referred as UHBVN Ltd.) That the company had appointed Adarsh Bharti as a coordinator for Ambala City for collection of electricity bills from 23 counters and to deposit the same in the account of UHBVN Ltd. Adarsh Bharti had further engaged Shavinder

Pal Singh-petitioner for collecting the electricity bills from consumers in Baldev Nagar and Model Town areas. Subsequently, Petitioner Shavinder Pal Singh had engaged one Mohit also for that purpose but he had not intimated the company in that regard. That Adarsh Bharti in conspiracy with Shavinder Pal Singh and Mohit used to receive the bill amounts from the consumers and issue receipts to them by affixing seal on the bills but without putting signatures. They did not deposit the amount in the account of Electricity Department. After two months, when consumers received the bills with dues of the previous bills, the company came to know about the fraud being committed by the accused, which revealed that a sum of Rs.30 lacs had been misappropriated. The petitioner was found to have played a major role in the scam. On being confronted with such situation, he admitted having utilised amount so collected for his personal use requesting the company for giving him time upto 5.3.2018. He had given security cheque of Rs.25 lac drawn on Kotak Mahendra Bank. However, that cheque was dishonoured on account of insufficiency of funds. When this fact was brought to his knowledge he threatened to kill the officials of the company.

On basis of such complaint, formal F.I.R. was registered. The investigation in the case started which reveal that the petitioner-accused had though collected a sum of Rs. 32 lacs against 1200 bills but failed to deposit that amount in account of UHBVN Ltd.

Apprehending his arrest in this case, the petitioner had approached the court of Sessions by moving an application under Section 438 Cr.P.C. which was assigned to Additional Sessions Judge, Ambala, who vide order dated 17.4.2018 dismissed that application as such he has approached this Court craving for grant of similar relief, which request is opposed by the State counsel and counsel representing the complainant.

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

Pre-arrest bail is a discretionary relief which is to be granted in exceptional circumstances and not in routine. This relief is to protect the innocent persons from arrest and not to help the criminals from escaping custodial interrogation. Admittedly, custodial interrogation is more elicitation oriented. A person couched in comparative safety of pre arrest bail would certainly not come out with the entire facts within his knowledge and would not get the recovery effected. 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 information.

In this case, the allegations against the petitioner are very grave and serious of collecting the amounts from consumers of Electricity Board without depositing the same in its account. As stated by learned counsel for the complainant, the scam comes out to be involving more than 45 lacs till date. The petitioner had admitted his guilt by making statement to the police and in the form of written applications addressed to SHO of Police Station concerned. The cheque in the sum of Rs.25 lac issued by him in favour of the company said to have bounced. Now it does not lie in its mouth to deny that he had collected the amount to deposit the same in the account of

Electricity Department.

Custodial interrogation of petitioner is necessary for complete and effective investigation so as to find out as to how the conspiracy was carried out, the scam was hatched, which persons were involved therein, the role played by each one of them and to effect the recovery of the embezelled amount. In case custodial interrogation is denied to the investigating agency that would adversely effect the investigation, which is uncalled for.

Finding no merit in the petition, the same stands dismissed.

(H.S. MADAAN)
JUDGE

May 30, 2018
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No