

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

CRM-M-20945-2018

Date of decision:-30.5.2018

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Argued by: Mr. Manish Kumar Singla, Advocate
for the petitioners.

Mr.C.L. Pawar, Sr.DAG, Punjab.

Mr.Ramneek Vasudeva, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Sukhwinder Singh, an accused in FIR No.80 dated 17.4.2018, under Sections 406, 420, 506 IPC and Section 24 of Immigration Act, registered at Police Station City, Kharar, District Mohali.

Briefly stated, the facts of the case are that FIR in question was lodged on the basis of written complaint submitted by complainant – Sukhwinder Kaur wife of Jaswinder Singh, resident of village Deh Kalan, Tehsil Kharar, District Mohali addressed to SSP SAS Nagar, Mohali

levelling allegations that on 10.1.2013 her relative got her introduced with Sukhwinder Singh at Kharar; that Sukhwinder Singh demanded and received Rs.19,35,000/- for sending her son Harmit Singh abroad, however, he neither ensured migration of Harmit Singh abroad nor refunded the money, rather threatened the complainant. In the complaint details of the amount paid have been given. On the basis of the complaint, the formal FIR was recorded.

Apprehending his arrest in this case, the petitioner has approached the Court of Sessions for grant of pre-arrest bail but their such application was declined by learned Additional Sessions Judge, SAS Nagar, Mohali vide order dated 11.5.2018. Feeling aggrieved, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. There are specific allegations against the petitioner that he had duped the complainant of substantial amount of Rs.19,35,000/- on the allurements of sending her son abroad. Though the allegations are denied by learned counsel for the petitioner but I find that at this stage while considering the grant of pre-arrest bail, mainly the allegations in the FIR are to be seen.

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. The recovery of is to be effected from such accused. 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.

30.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No