

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 21770 of 2018 (O&M)
Date of decision : 27.8.2018

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Vijay Kumar Julka

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Vijay Kumar Julka, an accused in FIR No. 77 dated 16.4.2018, for offences under Sections 406, 498-A IPC registered at Police Station City Gurdaspur.

Briefly stated, facts of the case, as per the prosecution story are that complainant Pooja w/o Vijay Kumar Julka, submitted a written complaint to the police levelling allegations of harassment and maltreatment at the hands of her husband Vijay Kumar Julka and his family members. On the basis of that complainant, formal FIR was

recorded. Apprehending his arrest in this case, petitioner Vijay Kumar Julka had filed a petition for pre-arrest bail before the Court of Sessions, which was marked to Additional Sessions Judge, Gurdaspur, who vide order dated 11.5.2018 dismissed that petition.

Feeling aggrieved, he has approached this Court by way of filing similar petition, notice of which was given to the respondent State.

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

The pre-arrest bail is not be granted in routine but in exceptional circumstances. It is well settled that custodial interrogation is more elicitation oriented since a person who is couched in comparative safety of pre-arrest bail, would certainly not disclose all the facts within his knowledge, which would be inculpatory for him. The petitioner is the main culprit and major thrust of allegations is against him. Though the petitioner is stated to have joined the investigation, but as stated by the State counsel, he has neither got the complete recovery effected nor rendered full cooperation, as such his custodial interrogation is required.

However, according to learned counsel for the petitioner, it is not so. All the articles which were in possession of the petitioner have since been handed over. As he has joined the investigation, there is no necessity of his being taken into custody and then subjected to interrogation.

After hearing the rival contentions, I find that no case for grant of pre-arrest bail to the petitioner is made out. It may be

mentioned here that when the petitioner had filed the present petition for pre-arrest bail, the contention of his counsel that the petitioner was ready and willing to settle the entire dispute with the complainant, was recorded and then notice of motion was issued. But here the petitioner has failed to work out any settlement with the complainant, though efforts were made in the Mediation and Conciliation Centre of this Court. The petitioner has placed on record a few photographs showing that he is working as a hawker, selling small items on a bicycle, whereas the complainant is an ultra modern girl and on account of non-compatibility they have separated and the complainant has got lodged the FIR against him.

However, all the other things apart, it comes out that custodial interrogation of the petitioner is definitely required for complete and effective investigation. 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.

Therefore, as far as petitioner, Vijay Kumar Julka is concerned, the application so moved by him stands dismissed.

27.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No