

CRM-M-38277-2017(O&M) &

CRM-M-33711-2017

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

1. CRM-M-38277-2017(O&M)

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-33711-2017

Panjab Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision :-22.5.2018

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

Present : Mr.Nakul Sharma, Advocate
for the petitioners in both petitions.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Kamal Narula, Advocate
for the complainant.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-38277-2017** filed by petitioner – Gurpreet Singh and **CRM-M-33711-2017** filed by petitioner Panjab Singh, both of them

being accused in FIR No.80 dated 9.8.2017, under Sections 420/120-B IPC, registered at Police Station Cantt., Ferozepur, District Ferozepur.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was lodged by complainant Waryam Singh son of Piara Singh, resident of village Suba Qadim, District Ferozepur, who in a written complaint submitted to Senior Superintendent of Police, Ferozepur sought taking of legal action against Harpreet Singh, Gurpreet Singh sons of Kulwant Singh, residents of village Nawa Purba, Tehsil and District Ferozepur for committing fraud with him. *Inter alia*, he has stated that on 23.2.2015, Harpreet Singh etc. had exchanged the land measuring 1 Kanal 16 Marlas i.e. 36/606 share 150 ft. x 65 ft. out of total 30 Kanals 6 Marlas comprised in Khewat No.473 bounded as East – Street, West – Sham Lal Gwala, North – Road Aale Wala, South – Sukhwinder Singh with the land measuring 51 Kanals 15 Marlas situated at village Dona Telu owned by Waryam Singh etc.; that the complainant side had given Rs.10 lakhs in cash to Harpreet Singh etc. in presence of Surinder Singh, Sarpanch, Basti Habib Wala and Major Singh, resident of village Barre Ke, however, when the complainant side went for taking possession of the land, they came to know that Harpreet Singh etc. had already sold that land to some other person; that when complainant talked with Harpreet Singh, he kept on making excuses and then finally stated that he wanted to commit fraud with them, which he had done and complainant side could do whatever they want, therefore, necessary action be taken against Gurpreet Singh and Harpreet Singh. On the basis of this complaint, formal FIR was recorded and the

matter was investigated.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court learned Additional Sessions Judge, Ferozepur. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel.

I have heard learned counsel for the petitioners and learned State counsel as also learned counsel for the complainant besides going through the record.

The allegations prima facie show commission of grave offences inasmuch the petitioners although entering into exchange of land and receiving Rs.10 lakhs in cash from the complainant, failed to give possession, rather they had sold away the said piece of land measuring 1 Kanal 16 Marlas thereby cheating the complainant.

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.

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 petitioners is definitely required for complete and effective investigation. In case custodial interrogation of the petitioners 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 merits in the petitions, the same stand dismissed.

(H.S. MADAAN)
JUDGE

22.5.2018
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**