

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

CRM-M-44662-2016(O&M)

Date of decision:-16.8.2018

Deepak Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present: Petitioner in person with
Mr.Abhishek S. Bhaskar, Advocate

Mr.Neeraj Poswal, AAG, Haryana.

Respondent No.2 in person with
Mr.Shakti Paul Sharma, Advocate.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Deepak Sharma, an accused in FIR No.70 dated 23.10.2016, under Sections 406/498-A/323/506 IPC, registered with Police Station Women, MDC, Sector-5, Panchkula.

Briefly stated, the prosecution story is that complainant Seema Sharma daughter of Sh.Tarsem Lal Sharma, resident of House No.632, Sector-12, Panchkula submitted a written complaint to the police contending therein that she was married with Deepak Sharma son of

Sh.Raj Kumar Sharma, resident of House No.SH-7, Ridhi Sidhi Enclave, Shri Ganganagar (Rajasthan) on 28.11.2013; that her parents had spent about Rs.22-23 lakhs on marriage functions and given dowry articles to her; that at the time of marriage, she was working as Deputy Manager at IBM, IT Park, Chandigarh, whereas her husband was working in Samsum Company; that a car besides other valuable items had been given in dowry; that soon after the marriage, she was taunted and harassed by her husband and his family members for compelling her to bring more dowry articles; that she was not allowed to go to her parental home for a long period; that her husband used to abuse her and gave her beatings. In her complaint, the complainant has given details of her maltreatment and harassment, which are not required to be repeated here. According to the complainant, she has given birth to a daughter. On this complaint, formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Panchkula vide order dated 30.11.2016. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the records and I do not find any merit in the present petition.

Learned counsel for the petitioner has submitted that all the

articles mentioned in the FIR have been got recovered from the petitioner and since he has joined the investigation, his custodial interrogation is not necessary, therefore, he be granted concession of pre arrest bail. However, the investigating agency says otherwise of petitioner though having joined the investigation but not getting the complete recovery effected and not rendered full cooperation in the investigation.

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.

The petitioner is husband of complainant and the main thrust of allegations is against him. Though he has joined the investigation in terms of the directions issued to him by this Court but as stated by the State counsel he has not got the complete recovery effected and has not co-operated in the investigation.

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. 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.

16.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No