

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

CRM-M-43813-2017

Date of decision:-18.4.2018

Subhash Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Aman Dhir, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr.A.S. Ahluwalia, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Subhash Kumar, an accused in FIR No.225 dated 28.10.2017, under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Kotwali, Bathinda.

The criminal machinery in this case was set into motion by complainant Prem Kumar, who in an application submitted to Senior Superintendent of Police, Bathinda stated that they had formed a society under the name and style of Guru Nanak Dev Cooperative (L&C) Society,

Bathinda having an account with Cooperative Bank, Grain Market, Bathinda; the account used to be operated by Monika Rani and Prem Kumar; that it came to their notice that in the year 2014-15, accused Subhash Kumar in connivance with the Bank Manager after forging signatures of Monika Rani and Prem Kumar had withdrawn crores of rupees from the account of the society and necessary action be taken.

On registration of formal FIR, 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, Bathinda vide order dated 7.11.2017. 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.

Such relief is discretionary in nature 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 shield the culprits from custodial interrogation. The accused is specifically named in the FIR with the allegations of his having indulged in forgery and fabrication of valuable documents and withdrawing crores of rupees from the bank account of the society of the complainant.

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 to find out as to how and in what manner he had committed the fraud and which other persons had helped him in doing so. 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.

18.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No