

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

CRM-M-49443-2017

Date of decision:- 8.1.2018

Manjeet

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms.Saloni Sharma, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner - Manjeet, an accused in FIR No.398 dated 23.6.2017 for the offence under Section 384/120-B IPC, registered with Police Station Surajkund, District Faridabad.

Briefly stated, the facts of the case as per prosecution version are that on 20.3.2017, a girl namely Kiran @ Niharika had called one Narender, a brother of complainant - Vivek on telephone requesting to have friendship with her but Narender declined to do so; that she sent messages to Narender on Whatsapp also but without getting any response

from Narender, however, a week later, an another girl namely Priya Dixit called Narender on his mobile phone from a mobile phone stating that she was married and wanted to talk to him; that she asked Narender to meet her for a job; that Narender met her on 9.4.2017 and then dropped her at MHPC; that thereafter Priya Dixit submitted a complaint to the police of Police Station Sarita Vihar against Narender under Section 376 IPC; that zero FIR was registered and sent to Police Station, Sector-16, Faridabad; that thereafter case No.57/375 IPC was registered with Women Cell, Sector-16, Faridabad on 10.4.2017; that on that day, the girl called from Sanjay Gupta's phone to Manjeet to extract money; that the police met Sanjay Gupta at Kalka Ji Police Station and Sanjay Gupta informed that he was not Priya's father, in that way Manjeet, Maheshu @ Mahesh, Kiran @ Niharika, Harish @ Happy etc. along with their accomplices had conspired to make easy money. During the course of investigation in the case registered against Naresh, it came out that Happy @ Harish, Mahesh @ Maheshu, Manjeet, Sanjay Gupta and Kiran @ Niharika etc. had pressurized Narender with intention to extract money and got registered a false rape case against him.

Apprehending his arrest, the accused – petitioner had approached the Court of Sessions for grant of pre-arrest bail. His such request was declined by learned Additional Sessions Judge, Faridabad vide order dated 8.12.2017. Later on, he approached this Court for grant of that very concession.

Notice of the petition was given to respondent – State, which has appeared through State counsel.

The petitioner has filed the affidavit, which is taken on record.

I have heard learned counsel for the parties besides going through the record.

Pre arrest bail is a discretionary relief. In this case allegations against the petitioner are quite serious of being part of a gang, who had lodged a false FIR to extract money from Narender. The petitioner is shown to be involved in about eight other criminal cases details of which are mentioned in para No.4 of the order passed by learned Additional Sessions Judge, Faridabad. Though as per the affidavit submitted by the petitioner, he is on bail in some of the cases and had earned acquittal in few of them but the fact remains that the petitioner has a criminal past. Such type of person is definitely not entitled to the discretionary relief of pre-arrest bail.

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.

8.1.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No