

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

CRM-M-8962-2018

Date of decision:-21.3.2018

Jatinder Kumar @ Jimi

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Dr.Anmol Rattan Sidhu, Sr.Advocate with
Mr.Tarun Sethi, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Mr.Hari Om Sharma, 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 – Jatinder Kumar @ Jimi, an accused in FIR No.21 dated 2.2.2018, under Sections 306/34 IPC, registered at Police Station Civil Lines, District Bathinda.

Briefly stated, facts of the case as per prosecution story are that one Sukhbir Singh had committed suicide by consuming celphos tablets, while he was still alive and was being taken to hospital, he told his son Jatinderpal Singh – complainant in this case, that his neighbour, Jatinder Kumar @ Jimi along with his employee Bhola and Angrej Singh

along with his wife Tamanna had been blackmailing him and being fed up with the same, he had consumed celphos tablets. At Kalra Hospital, a suicide note was found from the pocket of deceased. After registration of the FIR, the matter was investigated.

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 22.2.2018. 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.

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

As per the prosecution story, Sukhbir Singh had committed suicide by consuming celphos tablets and before his death while being taken to hospital, he had told his son that he was being harassed/blackmailed by Jatinder Kumar @ Jimi (present petitioner) along with his employee Bhola and Angrej Singh and his wife Tamanna. In the suicide note recovered from the pocket of the deceased, which is in Punjabi, specific allegations are there against the present petitioner and some other persons. Though learned counsel for the petitioner has argued that petitioner is innocent and has been falsely involved in this case for the reason that he was asking the deceased to return his amount, therefore, no abetment of suicide is made out but all such things are not of much importance while deciding question of grant of pre-arrest bail to the

petitioner. 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 screen the culprits from custodial interrogation. These things may be relevant during the trial but not at this stage when the Court is to mainly see the allegations in the FIR and the things, which come out during investigation of the case. The allegations against the petitioner are indeed grave and serious. 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.

21.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No