

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 9127 of 2018 (O&M)

Date of decision : 23.3.2018

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Rahul Kumar Pandey

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by Rahul Kumar Pandey, an accused in FIR No. 365 dated 28.10.2017 for offences under Sections 406, 420, 120-B IPC, registered at Police Station Zirakpur, District Mohali.

Briefly stated, facts of the case, as per the prosecution story are that complainant Joginder Singh Mehta, proprietor M/s Mehta Trading Company, Panchkula, had submitted a written complainant to SSP, District SAS Nagar, submitting therein that Gopal Pandey and his son Rahul Kumar Pandey had purchased 408

boxes of apples from him for Rs.7,28,644/- on various occasions in February 2017. They had promised to deposit the price of apples so purchased in bank account of the complainant within a week but they did not do so despite passing of several months and on being asked made one excuse or the other and on 8.5.2017 when he went to their house, he was not allowed to enter the same and ultimately accused refused to pay the amount and rather Gopal Pandey threatened to kill the complainant.

On registration of the formal FIR, apprehending his arrest, the petitioner had approached the Court of Sessions for grant of pre-arrest bail, which was assigned to Additional Sessions Judge, SAS Nagar, Mohali, who dismissed the same vide order dated 21.2.2018, as such he has approached this Court, craving for grant of similar relief, which is being opposed by the State counsel.

I have heard, learned counsel for the petitioner, learned State counsel besides going through the record.

Pre-arrest bail is a discretionary relief, which is to be granted in very rare cases to avoid harassment and inconvenience to innocent persons and not in routine to enable the criminals to avoid custodial interrogation. The conduct of the petitioner and public convenience are also to be kept in mind. In the instant case a perusal of the orders passed by the learned Additional Sessions Judge, goes to show that counsel representing the present petitioner and his father has made a statement there that out of the due amount a sum of Rs. 2 lacs has already been paid by the applicants to the complainant, for that reason they were granted interim bail, directing the applicants to

join the investigation within 15 days. The case was adjourned to 16.2.2018. On the adjourned date which is some how shown to be 17.2.2018, the time allowed to the petitioners to join the investigation was extended and a direction was issued to the applicant to produce the receipt regarding payment of Rs. 2 lacs. However, as order dated 21.2.2018 goes to show that such receipt was not produced, the applicants admitted that they had not gone to the Police Station at the given time, rather they had gone there afterwards. Considering all those facts, the application was dismissed for non-compliance of the directions issued to the applicants and not cooperating in the investigation. Such type of persons who make misrepresentations as per their convenience and do not comply with the orders passed by the court, cannot be relied upon to appear in the court regularly and refrain from tampering with the prosecution evidence. The custodial interrogation of the petitioner is found to be necessary for proper and effective investigation of the case, though it is stated that his father has been granted regular bail, but that does not help him in making out entitlement for pre-arrest bail. In case custodial interrogation is denied to the Investigating Agency, that would effect the investigation adversely, which is uncalled for.

Finding no merit in the petition, the same stands dismissed.

23.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No