

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

CRM-M-1927 of 2019(O&M)

Date of Decision: 25.01.2019

Manjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No. 119 dated 30.09.2018 registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station City Jalalabad, District Fazilka.

It is contended by learned counsel for the petitioner that he is innocent and not committed any offence as an entry in the revenue record was made on the basis of certificate dated 30.06.2014 (P-1) issued by the State Bank of India, Muktsar.

Learned State counsel has vehemently opposed the contention of learned counsel for the petitioner.

Heard both sides and perused the paper-book

Investigating officer of the case is present and specifically stated that during investigation he verified that alleged

certificate dated 30.06.2014 was never issued by the State Bank of India, Muktsar and the same is forged and fabricated document by the accused in connivance with petitioner.

At this stage, question to be decided is as to whether pre-arrest bail should be granted to the petitioner or not? The truthfulness of the allegations in the FIR is not to be determined by holding parallel trial in a petition under Section 438 Cr.P.C. and the allegations are to be taken on face value coupled with material with police. Pre-arrest bail is a relief which is not to be granted just at the asking of an accused in routine manner, but in exceptional circumstances. Its purpose is not to save the accused from custodial interrogation which results into the extraction of the relevant facts from his mouth but to maintain balance between both sides. Thus in the present case, custodial interrogation of the petitioner is necessary for proper and effective investigation regarding No Objection Certificate dated 30.06.2014 and in case the same is denied to the investigating agency, that will leave many loose ends and loopholes, adversely affecting the administration of justice.

In view of the above, this Court does not find any merit and the present petition is hereby dismissed.

Needless to say that the above observations, may not be construed as an expression of opinion on merits of the case.

[MAHABIR SINGH SINDHU]
JUDGE

January 25, 2019
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no