

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

CRM-M-437-2020

Date of decision:-10.2.2020

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Abhimanyu Singh, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Deepak, an accused in FIR No.514 dated 5.7.2019, under Sections 406, 420 IPC, registered with Police Station Bhiwani City, District Bhiwani.

Briefly stated, the facts of the case as per the prosecution version are that a firm by the name of M/s Murlidhar Dinesh Kumar, Bhiwani had applied to State Bank of India for transfer of an amount of Rs.4,51,388/- in account of Wardhman Cotton Mills through RTGS, but the petitioner/accused Deepak in connivance with his co-accused Pushkar got the said amount transferred in his own account. On a written complaint submitted by Ishwar Singh Sangwan, Manager, State Bank of India, Branch New Anaj Mandi, Bhiwani addressed to Superintendent of

Police, Bhiwani, formal FIR in this case was registered.

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, Bhiwani vide order dated 30.11.2019. 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.

The allegations against the petitioner are very grave and serious. The amount in question was transferred in his bank account. In the written complaint submitted to the police, it is specifically mentioned that on 7.5.2019, the bank officials came to know through CCTV Footage that accused Pushkar, who is an employee of Shyam Construction Company, Bhiwani and who used to come to their branch with regard to work of that company in collusion with Deepak (present petitioner) had changed form of RTGS and committed fraud with the bank and the original account holder entering the name of Deepak, in that way the amount was transferred in account of Deepak and later on that amount was withdrawn by Deepak and Pushkar

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 and to unfold the story as to how the conspiracy was entered into and executed and offence was actually committed. 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.

10.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No