

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

CRM-M-4518-2020 (O&M)

Date of decision: 03.03.2020

Des Raj

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. B.S. Rathee, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. G.S. Sidhu, Advocate for the complainant.

H.S. MADAAN, J.

This petition for pre-arrest bail has been filed by petitioner Des Raj, aged about 36 years, an accused in FIR No.164 dated 22.12.2019, for offences under Sections 406 and 420 IPC, registered with Police Station Baragudha, District Sirsa.

Briefly stated facts of the case are that complainant Sonu Sharma son of Arjan Ram Sharma, resident of Village Biruwala Gudha, District Sirsa had submitted a written complaint to the police seeking taking of legal action against Des Raj (present petitioner) along with Amit Kumar, Jarnail Singh, Rajveer, Sohan Lal @ Sonu, inter alia contending that said complainant got acquainted with Des Raj through his friend Jagdeep Singh. Since the complainant was unemployed, Des Raj offered to get employment for him at DC rate. Des Raj had assured

that if he could not get job for the complainant, then he would return the money received by him from the complainant along with interest. He had given this very allurements to several other persons, namely, Kushpreet Singh Sharma, Rakesh Kumar, Ravinder, Gur Lal, Tarsem Singh, Manpreet Singh, Parveen Kumar, Jaswinder Singh and Mangal Sain of the area. Some of them had given money in cash whereas some had got the money transferred in bank account of Des Raj. Subsequently, accused Des Raj, Amit, Jarnail Singh, Rajbir and Sohan Lal etc., called the complainant and other effected persons to Sirsa, took their interview, scrutinized their documents and took Photostat copies of documents and thereafter, gave joining letters to the complainant and others, telling them that the work has been done and they would get mail from different places but that thing did not happen. It came out that the joining letters were forged and fake. Des Raj and other accused did not return the money to the complainant and other affected persons. They had not found any job for them, rather they had committed fraud with them. Subsequently, when they were asked to refund the money, they threatened the complainant and other persons. On the basis of such complaint, formal FIR was registered.

Apprehending his arrest, the accused had approached the Court of Sessions, seeking grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Sirsa, who vide order dated 08.01.2020, dismissed the bail application.

Feeling aggrieved, he has approached this Court with similar prayer, which is being opposed by learned State counsel and counsel for the complainant.

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

The allegations against the petitioner are very grave and serious. He seems to be mastermind in cheating the complainant and several other innocent persons of their hard earned money. His custodial interrogation is definitely required to effect the recovery of Rs.25,70,000/- approx., the money paid by complainant and other persons to Des Raj and so as to find out under what circumstances, the scam was planned and executed and who were the other persons involved therein. It is required to be find out as to how and in what manner the joining letters were forged and role played by the accused and other persons therein. The custodial interrogation is more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would definitely not disclose all the facts within his knowledge. In case the custodial interrogation of the petitioner is denied to the investigating agency that shall leave many loose ends affecting the investigation adversely, which is uncalled for. The petitioner is stated to be involved in similar type of case bearing FIR No.55 of 2019, PS Baragudha. Therefore, there is absolutely no ground to grant the benefit of pre-arrest bail to the petitioner. The petition being without any merit stands dismissed.

03.03.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No