

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

CRM-M-5259-2020

Date of decision:-18.2.2020

Sanju

...Petitioner

Versus

State of Punjab

...Respondent

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

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

Ms.Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Sanju, an accused in FIR No.243 dated 20.11.2019, under Sections 420, 467, 471, 120-B IPC, registered with Police Station City, Jagraon.

Briefly stated, the facts of the case as per the prosecution story are that FIR in question was lodged by SDJM, Jagraon by sending a communication to Incharge, Police Post Bus Stand, Jargaon in which it was informed that in a case FIR No.164 dated 21.6.2018 for the offences under Sections 452, 354, 323, 148 and 149 IPC, Police Station City, Jagraon, accused Santosh Kumar had furnished forged surety bonds in the name of Darshanpal Singh son of Kulwant Singh and Gurvinder Kaur and Sanju had witnessed the same. Accused Santosh Kumar was arrested and

on being interrogated, he disclosed that surety Darshanpal Singh, Gurvinder Kaur and Sanju had been introduced to him by Bittu and all of them in conspiracy with each other had got prepared a false Adhar card and furnished bonds in the name of Darshanpal Singh.

On registration of formal FIR, 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, Ludhiana vide order dated 9.1.2020. 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 serious and grave inasmuch as he had been a part of conspiracy to prepare false documents and furnish wrong surety in the Court of law. Such type of acts cannot be taken lightly and persons indulging in such acts needs to be dealt with sternly.

Pre arrest bail is a discretionary relief 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.

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 so as to find out as to how and when the conspiracy was hatched and persons involved therein. 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.

18.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No