

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

**CRM-M-5752 of 2020  
DATE OF DECISION :- February 20, 2020**

**Puneet Kochar**

**...Petitioner**

**Versus**

**State of Punjab and another**

**...Respondents**

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

**Present:-** Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Kanwaljit Singh, Advocate for the complainant.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

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This petition for pre arrest bail has been filed by petitioner Puneet Kochar, aged about 36 years, resident of House No. 419, Phase-I, Model Town, Bathinda in case F.I.R. No. 9 dated 24.1.2020 for offences under Sections 382/506/148 IPC and Section 379-A IPC added later on registered with Police Station SGN Dev Thermal Plant, District Bathinda.

The F.I.R. in this case was recorded by complainant Kulwant Singh son of Jarnail Singh resident of village Jalalabad, District Jalandhar who in his statement to the police, stated that he is resident of Jalalabad and has been working as driver on vehicle Mahindra (Cantre) bearing registration No. PB-08-BS-0187 owned by Anurag Aggarwal, owner of Raja Ram and sons. On 22.1.2020 after taking spare parts of Hero

Motorcycle the complainant started from Jalandhar to Bathinda to deliver at Vinayak Auto Bathinda. When the complainant and his conductor Rahul Kumar reached Ghaniya Chowk near Rose Garden, Punit Kochar, who was already standing there and known to him came and stopped the complainant from unloading the vehicle at Vinayak Auto rather they suggested that the complaint should take his truck having material to godown of the accused at Malout Road. The complainant replied that he had instructions from his employer to unload the material at the right person. When the complainant had started the vehicle then the accused threatened him. The complainant had talk with his employer who asked him to stop the vehicle there. The complainant accordingly did so. Then Puneet Kochar and 5-6 persons came out of their vehicle. The persons accompanying Puneet Kochar started vehicle of the complainant and drove it away. The complainant and his conductor followed the vehicle. Puneet Kochar parked the vehicle at godown situated at Malout Road, backside Sant Nirankari Bhawan and locked the gate. Then information was given to the accused.

Apprehending his arrest, Puneet Kochar accused had approached the Court of Sessions for grant of bail but his such request was declined by learned Additional Sessions Judge, Bathinda, as such he has approached this Court for the similar relief, which is being opposed by the State counsel.

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

I find that no case for grant of pre arrest bail to the petitioner is made out. Pre arrest bail is a relief which is to be granted under exceptional

circumstances and not in routine. This provision is there to save the innocent persons from harassment of being sent to imprisonment, however, it is not to act as a shield for the criminals. In this case the petitioner is specifically named in the F.I.R.. There are grave and serious allegations against him. His custodial interrogation is necessary to find out under which the conspiracy was entered into, the persons involved therein and how it was executed.

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. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation effecting the investigation being carried out adversely which is not called for.

Finding no merit, the petition stands dismissed.

**(H.S. MADAAN)**  
**JUDGE**

**February 20, 2020**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No