

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

CRM-M-6127-2020

Date of decision:-25.2.2020

Jitender and another

...Petitioners

Versus

State of Haryana

...Respondent

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

Present: Mr.Neeraj Yadav, Advocate
for the petitioners.

Ms.Dimple Jain, AAG, Haryana.

Mr.Abhimanyu Singh, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioners Jitender and Kapil, both accused in FIR No.74 dated 15.11.2019 for the offences under Sections 420, 467, 468, 471 and 506 IPC, registered at Police Station Jui Kalan, District Bhiwani.

Briefly stated, the facts of the case as per the prosecution version are that complainant Satpal son of Ugam Singh, resident of village Hemantpura, Tehsil and District Bhiwani had submitted a written complaint to Superintendent of Police, Bhiwani contending therein that

Bhagirath son of Suraj Bhan and his son Lalit had allured his son Lokesh that they would get him a job in NDA on payment of Rs.25 lakhs. At the asking of his son, he gave money to Bhagirath, his son Lalit and Devinder son of Mange Ram besides Jitender and Kapil sons of Ompal. They gave a fake appointment letter to them stating that son of complainant namely Lokesh would get a job but when Lokesh went to the address provided in the appointment letter, then it transpired that appointment letter was forged and fabricated. The complainant asked the culprits to return the money but they refused and rather threatened him.

On the basis of such complaint, formal FIR was recorded.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, their such request was declined by learned Additional Sessions Judge, Bhiwani vide order dated 15.1.2020. As such, the petitioners have approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

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

In the instant case, the allegations against both the petitioners are very serious that they are posing as Army Officer/Officers in DRDO/ Ministry of Defence, Govt. of India and have been alluring innocent persons depriving them of their hard earned money. They are indulging in forging valuable documents purportedly issued by Army/DRDO

Authorities. Petitioner Jitender had played a fraud with a highly qualified woman inasmuch posing as DRDO. He contracted marriage with her. On coming to know about the factual position that woman, namely, Ankita Rathore had lodged FIR No.405 dated 1.10.2019 for the offences under Sections 419, 420, 494, 34 IPC, Police Station Dwarka North, Delhi against petitioner Jitender. Several documents in support of those contentions have been placed on record.

The allegations against the petitioners are very grave and serious. 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 petitioners is definitely required for complete and effective investigation to find out how the conspiracy was hatched and executed and a sum of Rs.25 lakhs was obtained from the complainant and usurped by the petitioners/accused along with their co-accused. 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.

25.2.2020

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No