

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

CRM-M-6133-2020

Date of decision:-25.2.2020

Rajesh

...Petitioners

Versus

State of Haryana

...Respondent

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

Present: Mr.Ajay Ghangas, Advocate
for the petitioner.

Ms.Dimple Jain, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Rajesh, an accused in FIR No.281 dated 16.5.2019 for offences under Sections 406, 420, 506 IPC, registered at Police Station Samalkha, District Panipat.

Briefly stated, the facts of the case as per the prosecution version are that FIR in question was registered on the basis of written complaint submitted by complainant Sandeep Kumar son of Ramphal, resident of village Ugalan, Tehsil Hansi, District Hisar to Superintendent of Police, District Panipat, wherein he contended that in the year 2013, accused Rajesh son of Pale Ram and his wife Poonam, residents of village Patti Kaliyana, Tehsil Samalkha, District Panipat along with Joginder and his wife Salochna besides Rahul and Rinku sons of Baljeet

had received Rs.2 lakhs from him by giving him allurement of getting him appointed as Peon in the Court; subsequently they received another sum of Rs.1 lakh from the complainant and took his thumb impressions on blank papers; thereafter all the accused told the complainant that his work could not be done at Panipat and he would be got appointed in Jind Courts; on 5.6.2016, the complainant received a letter purportedly written from Panipat Court to Jind Court bearing stamp of M.K. Sessions Judge, Panipat informing that time of joining was 22.6.2016 at 10:00 a.m.; when the complainant went to Jind Courts on 22.6.2016 for joining, he came to know that the appointment letter was fake; the complainant contacted the accused persons, then they asked him to take his money back; the complainant recorded the conversation on his phone; subsequently when the complainant went to the house of accused for taking money, they snatched his phone and threatened to implicate him in a false case of eve teasing; accused Joginder while pointing out his revolver said that if the complainant dared to demand his money, then he would be killed; at that time Rahul and Rinku were also with Joginder; they had also threatened to kill the complainant; the complainant convened Panchayats, then the womenfolk of those accused threatened that they would implicate the complainant in a false case while tearing their clothes, therefore the complainant returned.

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

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, Panipat vide order dated 5.7.2019. 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 serious and grave that he along with his co-accused were involved in cheating an innocent person of hard earned money giving him allurements on the pretext of getting a job in Judicial Department and then forging documents to befool the complainant.

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.

The petitioner/accused is stated to be involved in another case bearing FIR No.456 of 2016, under Sections 171, 406 and 420 IPC registered with Police Station Gharaunda in which he is said to have jumped bail.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out the complete planning and execution of such criminal acts. 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