

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

CRM-M-6643-2020

Date of decision:-27.2.2020

Kulwant Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.S.S. Gill, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Kulwant Singh, an accused in FIR No.432 dated 12.12.2019 for the offences under Sections 420/406 IPC, registered with Police Station Civil Line, Sirsa.

Briefly stated, the facts of the case as per the prosecution version are that FIR in question was recorded on the basis of written complaint submitted by complainant Navjeet Singh son of Bhajneek Singh, resident of Khairpur Colony, Sirsa wherein he stated that Harwinder Sandhu having friendly relations with him had offered to get him settled in Kuwait and demanded Rs.3-4 lakhs for that purpose; at the asking of Harwinder Sandhu the complainant deposited a sum of Rs.25,000/- in the account of his (Harwinder Sandhu) father Kulwant

Singh on 1.7.2018, another sum of Rs.40,000/- on 9.7.2018 and on 4.8.2018, 5.8.2018, 6.8.2018 and 7.8.2018 at the asking of Harwinder Sandhu, the complainant deposited a sum of Rs.12,400/-, Rs.11,350, Rs.22,600/- and Rs.34,000/-, in the account of Kulwant Singh, Mandeep Kaur, Jasveer Singh and Bakhtawar, respectively; that on 14.8.2018, 16.8.2018, 31.8.2018, 21.9.2018 and 1.10.2018 at the asking of Harwinder Sandhu, the complainant had got deposited a sum of Rs.40,000/-, Rs.34,000/-, Rs.17,360/-, Rs.3,000/- and Rs.11,400/- in the account of Kulwant Singh; in the first week of December, 2018, Harwinder Sandhu came to Sirsa and the complainant met him asking him to take him also along with him to Kuwait but Harwinder Sandhu stated that he would have to pay him a sum of Rs.40,000/- in cash, therefore, the complainant paid him a sum of Rs.40,000/- in cash on 4.12.2018; that in the first week of April, 2019 when the complainant met with Kulwant Singh asking for the proceedings to go to Kuwait, then he put off the matter; on 30.9.2019, the complainant came to know that Harwinder Singh had come to Sirsa and he was likely to go abroad and then he along with his brother Satinder Singh reached the house of Harwinder Sandhu where Kulwant and his wife met him at the main gate of their house asking the complainant to forget about money and rather threatened him that in case he proceeds against them legally, then he would be killed.

On the basis of the 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, Sirsa vide order dated 22.1.2020. 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.

Learned counsel for the petitioner has argued that petitioner is aged about 60 years and is a heart patient and he has nothing to do with the business of travel agency and money if any deposited in his bank account was not at the instance of his son. Therefore petitioner is entitled to get pre-arrest bail.

Whereas learned State counsel has vehemently opposed the request contending that he was actively involved in the scam inasmuch as he got the money deposited in his own bank account from the complainant.

No satisfactory explanation for the same could be rendered by learned counsel for the petitioner. The petitioner is shown to be actively involved in the entire episode. The deposit of substantial amount in the bank account of the petitioner by the complainant clearly show that he had been hand in glove with his son in playing fraud with 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.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation so as to find out as to how he along with his son Harwinder Sandhu had hatched the conspiracy and fleeced the complainant, an innocent person of his hard earned money. 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.

27.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No