

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

CRM-M-16496-2020(O&M)

Date of decision:-3.12.2020

Satpal Sidhu and another

...Petitioners

Versus

State of Punjab

...Respondent

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

Present: Mr.Gautam Kailey, Advocate
for the petitioners.

Mr.Randhir Singh Thind, DAG, Punjab.

Mr.S.K. Chaudhary, Advocate
for the complainant.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioners – Satpal Sidhu aged about 55 years and his son Prince Sidhu, aged about 32 years, residents of village Bungal, Tehsil and District Pathankot, both of them being accused in FIR No.99 dated 12.11.2019 for the offences under Sections 420 and 120-B IPC, registered with Police Station Division No.1, District Pathankot.

Briefly stated, the facts of the case as per the prosecution

story are that criminal machinery in this case was set into motion by complainant Monika Devi wife of Darshan Kumar alias Sudarshan Kumar, resident of village Khukha, Tehsil Nagri, District Kattua (J&K), aged about 23 years, who in the written complaint dated 3.8.2018 submitted by her to Senior Superintendent of Police, Pathankot sought taking of action against Prince Sidhu and his father Satpal Sidhu, both residents of House No.125, Bungal, District Pathankot for cheating, forgery, harassment and grabbing valuable amount of Rs.7,13,382/- belonging to husband of the complainant.

Inter alia, in the complaint, the complainant submitted that her husband Sudarshan Kumar alias Darshan Kumar had met with a road side accident on 3.5.2017 and he had suffered multiple grievous injuries including on head; an FIR No.40 dated 3.5.2017 was registered regarding the accident with Police Station Shahpurkandi, District Pathankot; Prince Sidhu along with his father Satpal Sidhu visited their house in the middle of August, 2017 on the pretext of showing sympathy; Prince Sidhu claimed himself to be an Advocate, whereas his father Satpal Sidhu represented himself as a retired DSP and Chairman of some political party; Prince Sidhu claimed that he had good relations with all the Judges in District Pathankot; Prince Sidhu and Satpal Sidhu promised to get a compensation of Rs.30 lakhs from the Court for the husband of the complainant; thereafter, a petition was filed in the Court; Prince Sidhu inquired from the complainant regarding her bank account; the complainant informed him that she was having four bank accounts. In the complaint, it is further submitted that Prince Sidhu had taken cheque-book

and pass-book from the complainant on the pretext of depositing money in her bank account. They managed to get Aadhar Card of husband of the complainant from her. Both the accused manipulated the things and got opened a joint account in their name and that of husband of complainant, obtaining cheque-book and ATM Card and got signatures of complainant/her husband on 4-5 blank cheques on the pretext that those were required by the insurance company for security purpose. An award of Rs.6,67,310/- along with interest @ 7.5% per annum was passed by Motor Accidents Claims Tribunal, Pathankot in favour of husband of the complainant. The insurance company had deposited a sum of Rs.7,13,382/- with the Tribunal. Prince Sidhu had received the cheque from the Tribunal on behalf of husband of the complainant and deposited the same with the bank without informing the complainant side. Subsequently, both the accused had called the complainant, her husband and other family members and told them that the claim petition filed by them had been dismissed. When the complainant and her family members asked the accused to give them copy of the judgment, then they started abusing and threatening them. Thereafter, on visiting the premises of AXIS Bank on 21.7.2018, the complainant side came to know that both the accused had played fraud with them and had withdrawn compensation of Rs.7,13,382/-. On the basis of such written complaint, formal FIR was registered in the matter.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions seeking grant of pre-arrest bail by filing applications, however, their such requests were declined by learned

Additional Sessions Judge, Pathankot inasmuch as application filed by petitioner Satpal Sidhu was dismissed vide order 21.12.2019 and application filed by petitioner Prince Sidhu was dismissed vide order dated 7.1.2020. As such, the petitioners have approached this Court asking for similar relief, which request is being opposed by learned State counsel and counsel for the complainant.

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

Indeed the allegations against the petitioners are very grave and serious. A young married person having family had received multiple injuries in a road side accident becoming a cripple confined to the bed, though he was granted compensation by Motor Accidents Claims Tribunal, Pathankot. Both the petitioners related to each other as father and son have shown worse type of greed and insensitivity to the human values grabbing the said compensation amount by manipulation, misrepresentation and playing fraud with such unfortunate victim and his family members. As a matter of fact, they have played fraud with the Court even. Such type of persons need to be dealt with firmly and sternly and any misplaced sympathy for them would only defeat the ends of justice and encourage the potential criminals to take to path of crime. After registration of the FIR, the petitioners have been trying to wriggle out of the right corner on one pretext or the other. A perusal of the order dated 21.12.2019 passed by learned Additional Sessions Judge, Pathankot on the application moved by accused Satpal Sidhu, dismissing petition for grant of pre-arrest bail goes to show that in para No.6 of the order, it

clearly mentioned that an undertaking had been given by petitioners/accused for payment of amount to the complainant but no such payment was made in view of the undertaking. Such undertaking was given just to get interim bail without meaning to honour the same. Again the petitioners tried to act smart with the Court even. Resultantly, the concession of interim bail granted to them was withdrawn by learned Additional Sessions Judge, Pathankot. In the present petition, the petitioners are claiming some sort of compromise with the complainant through intervention of police authorities but from the perusal of the record and after hearing learned counsel for the petitioners, learned State counsel and learned counsel representing the complainant, I find that the petitioners are again trying to manipulate things to avoid payment of the compensation amount wrongly usurped by them, which rightfully belongs to the husband of the complainant. Granting concession of pre-arrest bail to such type of fraudsters is totally uncalled for.

Here it needs to be noticed that the FIR in question was registered on 12.11.2019. During the pendency of the proceedings in the present petition, the petitioners were asked to bring demand draft in the sum equivalent to award amount with interest and deposit it with the Registry of the Court but they have failed to do so.

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 they had planned and executed the criminal acts, the other persons, if any, involved in the scam. The recovery of the compensation amount is also to be effected from them. In case custodial interrogation of the petitioners 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.

Finding no merits in the petition, the same stands dismissed.

Considering the facts and circumstances of the case, Senior Superintendent of Police, Pathankot is directed to arrest both the petitioners at the earliest in this case, recover the compensation amount and then hand over the same to the complainant and her husband keeping in view the poverty and miserable physical condition of the husband of the complainant, who had suffered injuries in a road side accident. Senior Superintendent of Police, Pathankot is required to do the needful and then inform the Court in that regard. Registry is directed to put up the papers again, in case no intimation with regard to compliance of this direction is received from Senior Superintendent of Police, Pathankot within 15 days from today. The State counsel is directed to inform Senior Superintendent

of Police, Pathankot in that regard.

3.12.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No