

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17372 of 2020 (O&M)

Date of decision : 2.9.2020

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Parveen Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been filed by petitioner – Parveen Kumar, aged about 35 years, resident of Laxman Colony, Thanesar, Kurukshetra, District Kurukshetra, being an accused in FIR No. 547 dated 17.6.2019, for offences under Sections 406, 420 IPC (Sections 467, 468, 471 and 120-B IPC added later on), registered at Police Station City Thanesar, District Kurukshetra.

Briefly stated, facts of the case, as per the prosecution story are that, the FIR in this case was registered on the basis of written complaint submitted by Sh. Ramphal Singh, Manager, Allahabad Bank, Sector 13, KKR, Thanesar City, Kurukshetra, against Parveen Kumar Sharma, present petitioner and his mother Sunita, for taking loan illegally, by committing a fraud with the bank, producing fake documents and causing financial loss to the bank. In the complaint it was mentioned that a sum of Rs.9,24,710/- was outstanding from the petitioner to the bank as on 28.3.2019.

After the FIR was registered, apprehending his arrest in this case, the petitioner had approached the Court of Sessions at Kurukshetra, seeking pre-arrest bail. His such application was assigned to Additional Sessions Judge, Kurukshetra, who dismissed the application vide order dated 28.5.2020. the operative part of his order is as under :-

“6. As per the police reply, petitioner/accused Parveen Kumar is main accused and his custodial interrogation is required to unveil the truth and to lead investigation, besides this recovery of Rs. 8 lacs is yet to be made from petitioner as the amount is public money. Not only this, five more cases of same nature are registered against this petitioner, which further maligns his persona, further perusal of records reveal that Shri Rakesh Singh, learned Additional Sessions Judge, Kurukshetra had dismissed the regular bail plea of one co-accused named Smt. Sunita Devi on 17.12.2019. However,

this application in hand is one which is for grant of Anticipatory bail, it is also settled law that neither Anticipatory bail nor Regular bail can be granted as matter of Rule. Hence after perusing the facts of the application from all angles, this court finds no merit in the same and the application in hand being devoid of any merit stand dismissed.

8. I gain strength from the judgment dated 1.9.2015 passed by the Hon'ble Supreme Court of India in Criminal Appeal Nos. 1134-1135 of 2015 arising out of Special Leave Petition (Crl.) Nos. 6028-2029 of 2014 titled "Bhadesh Bipinbhai Sheth vs. State of Gujarat and another".

Feeling aggrieved, the accused-petitioner has knocked at the door of this Court craving for grant of anticipatory bail, which prayer is being opposed by the State counsel.

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

After hearing the rival contentions, I find that petitioner does not deserve the concession of pre-arrest bail. Pre-arrest bail is a discretionary relief and it is to be granted in exceptional cases keeping in view all the facts and circumstances of the case and not in routine. It is meant to save the innocent persons from harassment and any inconvenience and not to screen the culprits from custodial interrogation.

The allegations against the petitioner are very grave and

serious of playing fraud with a public sector bank of a substantial amount running into Rs. 8 lacs. To facilitate the fraud, he is said to have produced forged and fabricated documents before the bank. As per written reply filed on behalf of the State, this is not the solitary criminal act attributed to the petitioner, rather he seems to be habitual fraudster, involved in four more similar cases, details of such cases registered against him alongwith their status being as under:-

<i>Sr. No.</i>	<i>FIR Number and date</i>	<i>Under Sections</i>	<i>P.S. /Status</i>
1	FIR No. 351 dated 27.4.2019	406, 420, 120-B IPC	City Thanesar, Pending before learned trial Court and fixed for 25.8.2020 for appearance.
2	FIR No. 534 dated 14.6.2019	406, 420, 467, 471, 120-B IPC	City Thanesar, Pending before learned Court for prosecution evidence.
3	FIR No. 538 dated 14.6.2019	406, 420, 467, 471, 120-B IPC	City Thanesar, Pending before learned trial Court and fixed for 11.12.2020 for prosecution evidence.
4	FIR No. 548 dated 17.6.2019	406, 420, 467, 471, 120-B IPC	City Thanesar, Pending before learned trial Court and fixed for 21.8.2020 for appearance.

The custodial interrogation of the petitioner is definitely required for complete and effective investigation of the case, to find out as to how the fraud was planned and executed and the fake documents were prepared, who were the other persons involved in the scam etc. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that many leave several loose ends and gaps in the investigation, affecting the investigation being carried out, adversely, which is uncalled for.

Therefore, the petition is found to be without any merit and

is dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

2.9.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No