

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

CRM-M-20840-2020(O&M)

Date of decision:-7.8.2020

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Gaurav Sharma, Advocate
for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

Mr.Munish Garg, Advocate and
Mr.L.S. Sidhu, Advocate
for the complainants.

H.S. MADAAN, J.

Case taken up through video conferencing.

No amicable settlement had been arrived at between the parties. Let the petition be disposed of on merits.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Kulwinder Singh, aged 50 years, an accused in FIR No.67 dated 22.6.2020 for the offences under Sections 420 and 120-B IPC, registered with Police Station Tallewal, District Barnala.

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 Nahar Singh son of Pritam Singh, resident of village Tallewal, District Barnala, who in the written complaint addressed by him

to SSP, Barnala had contended that on a complaint made by him, the matter had been inquired into by ASI Kamaljit Singh from Police Station Tallewal. ASI Kamaljit Singh had called Kulwinder Singh, Commission Agent (present petitioner) and asked from him with regard to his financial liability towards various persons, to which he replied that he was to take money from those persons. Kulwinder Singh was asked to produce his account books by ASI Kamaljit Singh but he did not do so, rather on 22.12.2019, he went to the house of complainant, abused him and threatened him with a small Kirpan in cloth covered by him, which was wrapped in the blanket.

On receipt of this complaint, SSP, Barnala directed SP (DET) to club the complaint and SHO Tallewal was asked to take preventive action against Kulwinder Singh. Furthermore, S/Sh. Rajinder Singh, Nahar Singh, Kaur Singh, Lala Singh, Ajaib Singh, Manohar Lal, Jagraj Singh etc. had also submitted a complaint addressed to SSP, Barnala against Kulwinder Singh (present petitioner), Harbhajan Singh and Chamkaur Singh sons of Kartar Singh, residents of village Tallewal, Commission Agents under the name and style of National Trading Company, Tallewal, for committing fraud of crores of rupees with people of the village, with a request to take action against them. Inter alia, in the complaint, such complainants submitted that the three brothers named in the complaint were preparing to run away after committing fraud of crores of rupees and action be taken against them. Several other complaints were also received. The matter was inquired into and it was found that Kulwinder Singh and Chamkaur Singh etc. had given allurement to

several persons of high returns on deposits of their money and many people succumbed to the temptation but the money was not returned, rather a fraud was played with the depositors. Formal FIR was registered.

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, Barnala vide order dated 23.7.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.Amit Mehta, Sr.DAG, Punjab has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent – State. Mr. Munish Garg, Advocate and Mr.L.S. Sidhu, Advocate have also put in appearance on behalf of the complainants.

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

There are grave and serious allegations of cheating and fraud against the petitioner. He along with his accomplices had cheated several innocent persons of their hard earned money. The total amount involved is stated to be more than Rs.1 crore.

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 and to effect the recovery of money and documents. 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.

Since the main petition stands dismissed, the miscellaneous application, if any, stands disposed of accordingly.

7.8.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No