

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

CRM-M-26821-2020

Date of decision:-9.9.2020

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Neeraj Sheoran, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

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 petitioner – Vikram aged about 42 years, an accused in FIR No.459 dated 13.12.2019 for the offences under Sections 420, 406 and 506 IPC, registered with Police Station Narnaund, District Hisar.

Briefly stated, the facts of the case as per the prosecution story are that, the criminal machinery in this case was set into motion by complainant – Bijender Chahal son of Mahabir Singh, resident of village Rajthal, Tehsil Hansi, District Hisar, who in his written complaint submitted to the police stated that he along with his brother Jitender has been doing business in the name of M/s Green Network; accused Vikram and Ajit were known to him; in the month of April, 2018, both of them came to his village and stated that there was company with the name of

Green Apple Welfare Society, which had entered into an agreement with Government of India under 'Swacch Bharat Mission' and the said company was engaged in work of cleanliness and toilet building in the villages, having rights to get the work done through sub contractors, they further represented that if the complainant was interested, then they would get the contract with the said company because that contract would fetch him good profit; the complainant showed interest in the deal and after 2-3 days Vikram (present petitioner) and Ajit along with Dhannajay Rajeshwar Puri and Arvind Kumar came to the residence of the complainant and they offered to give sub contract to the complainant for Rs.17.5 lakhs; ultimately the complainant and his brother was taken in by allurement and transferred Rs.12 lakhs on 17.10.2018 from their bank account to the bank account of the Green Apple Welfare Society; a further amount of Rs.3 lakhs was transferred on 18.10.2018; Rs.1.5 lakhs was given to petitioner Vikram and Ajit and Rs.1 lakhs was received by Dhannajay Rajeshwar Puri and Arvind Kumar said to be Directors of Green Apple Welfare Society, Gautam Budh Nagar (U.P.); though signatures of complainant were obtained on certain papers but no work was allotted to the complainant and subsequently it transpired that the accused had cheated the complainant and his brother; Panchayats were convened by the complainant side where accused No.2 Dhannajay Rajeshwar Puri and accused No.3 Arvind Kumar gave cheques signed by them but on presentation, the cheques were dishonoured; such accused had however transferred Rs.4.5 lakhs in account of the complainant; for remaining Rs.13 lakhs, a cheque had been issued by accused Arvind

Kumar but that also got bounced; the accused did not pay the remaining amount of Rs.13 lakhs and rather threatened the complainant. On the basis of such complaint, formal FIR was registered and the matter was investigated.

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, Hisar vide order dated 3.9.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.Tanuj Sharma, AAG, Haryana has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent – State.

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

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.

The allegations against the petitioner are very grave and serious that he played an active part in the whole matter inasmuch as he along with his co-accused Ajit had given initial allurements to the complainant of heavy returns, in case the complainant side entered into sub contract with the company Green Apple Welfare Society and had introduced its Directors Dhannajay Rajeshwar Puri and Arvind Kumar. A sum of Rs.17.5 lakhs had been fleeced from the complainant side and as

per the allegations, the present petitioner along with his co-accused Ajit had received a sum of Rs.1.5 lakhs in cash from the complainant at village Rajthal. Thus active involvement of the petitioner in the whole scam has been there.

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 to effect the recovery of an amount of Rs.1.5 lakhs said to have been received by him along with his co-accused Ajit from the complainant and to find out as to how the scam was planned and executed. 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.

9.9.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No