

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

103

CRM-M-31717-2020.

Date of Decision: 09.10.2020.

Pawan

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Rosi, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.487 dated 27.12.2018 under Sections 406, 420, 467, 468 and 471 IPC, registered at Police Station Chandhat, District Palwal.

Notice of motion.

At the asking of Court, Ms. Dimple Jain, Assistant Advocate General, Haryana, accepts notice on behalf of respondent-State.

At this juncture, Mr. Gaurav Singla, Advocate has put in appearance on behalf of complainants.

Complete copies of paper book have been supplied to learned State counsel as well as learned counsel for complainants.

Learned counsel for petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. She further urges that registration of instant case FIR is nothing but sheer abuse of process of law as no cause of action has arisen in the territorial jurisdiction of this Court. She further urges that though alleged incidents took place in April/May, 2016, whereas FIR was registered on 27.12.2018 and as such there was inordinate delay in registration of FIR and that too unexplained one. She further urges that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency and, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel having assistance of learned counsel for the complainants urges that petitioner alongwith co-accused gave allurement to number of persons (complainants) to get their wards recruited in Army and in lieu thereof fraudulently obtained more than Rs.57 Lakhs from them. She further urges that on these very allegations, previous petition (CRM-M-6330-2019) filed by the petitioner for pre-arrest bail has already been dismissed on merits by this Court, vide order dated 18.03.2019 and as such no fresh ground is made out for grant of concession of pre-arrest bail to the petitioner. She further submits that since petitioner-accused is still at large, then on issuance of warrants of arrest and proclamation, his presence could not be secured and he was declared proclaimed person on 14.02.2020. She further urges that petitioner is also involved in one more criminal case of similar nature and in view of nature of offence committed by him, his custodial interrogation is required to reveal the truth and as such petitioner is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner alongwith co-accused allured various persons (complainants) to get recruited their wards in Army and in lieu thereof fraudulently divested them (complainants) of more than Rs.57 Lakhs. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

09.10.2020
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No