

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

CRM-M-39928-2020

Date of decision:-15.12.2020

Parshotam Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.T.S. Grewal, Advocate
for the petitioner.

Mr.H.S. Sullar, DAG, Punjab.

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 – Parshotam Singh, aged about 47 years, resident of Ward No.03, Nagar Panchayat, Ghagga, Tehsil Patran, District Patiala, being an accused in FIR No.0291 dated 16.10.2020 for the offences under Sections 420 and 171 IPC, registered with Police Station Bhawanigarh, District Sangrur, Punjab.

Briefly stated, the facts of the case as per the prosecution story are that on 16.10.2020 at about 6:00 a.m., 6-7 persons with muffled faces claiming themselves to be Government officials of Income Tax

Department had gone to the house of complainant Krishan Kumar Kohli, a resident of Dhodian Patti, Bhawanigarh, District Sangrur allegedly for the purpose of conducting a search; out of them, three persons were in police uniform, whereas remaining were in plain clothes; they put the complainant to restraint and showed a letter to the complainant allegedly authorizing them to conduct search of his house; those persons had taken away gold and silver ornaments as well as cash amount; the complainant was directed to come at Petrol Pump of his son Diwaker Singh along with ledger-book at 10:00 a.m.; the complainant accordingly went there but none out of those persons turned up at that place; the complainant nursed a doubt regarding the genuineness of the raid, as such he reported the matter to the police.

On 19.10.2020 SI Amrik Singh received a secret information that persons, who had committed dacoity at the house of the complainant alleging themselves to be officials of Income Tax Department were in fact Sewa Ram son of Shingara Ram, resident of Bajigar Basti Badbar, at present Rampura Thelsan Road, Sangrur, Baldev Singh alias Soni son of Bhup Singh, resident of near bus stand, Himatpura, Basti Badbar, Jaspal Singh son of Amar Singh, resident of Atalan, P.S. Ghagga, Mandeep Singh son of Parshotam Singh, resident of Ghagga, Deep Singh, resident of Hotipur, at present near Taxi Stand, Patran and Sahil Sharma, resident of Sunam. A secret information was also received to the effect that the entire operation had been planned by Purshotam Singh, resident of Ghagga(present petitioner), Manoj Kumar alias Bittu sonof Hari Chand, resident of Joginder Nagar, Bhawanigarh and Harjinder Singh @ Rajinder

Singh, resident of Talwandi Malak along with the culprits aforesaid, who had gone to the house of the complainant for conducting the alleged raid. On receipt of such information, the police party put up a picket near military area road at a some distance ahead from village Roshanwala and seized Innova car bearing No.CH-01-BW-6633 used in the commission of crime. Sewa Ram, Baldev Singh, Jaspal Singh and Manoj Kumar alias Bittu were arrested in this case. A .32 bore revolver bearing No.M-6137 along with 22 live cartridges of the same bore were recovered from the possession of Sewa Ram, whereas gold ornaments, idols of Ganesh Ji, Lakshmi Ji and Radha Krishan Ji etc. weighing 6 kgs., currency notes of Rs.3,80,000/-, a fake number plate bearing No.CH-01-6633 were recovered from Innova car. Such culprits were interrogated leading to further recovery of valuable articles taken away from the house of the complainant during the dacoity.

After being nominated in this case, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing application, which was assigned to Additional Sessions Judge, Sangrur. However, his such request was declined by learned Additional Sessions Judge, Sangrur inasmuch his such application was dismissed vide order 18.11.2020. As such, the petitioner has approached this Court asking for similar relief, which request is being opposed by learned State counsel

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

The allegations against the petitioner are very grave and

serious of a participant in planning of dacoity. Though as per the prosecution story, petitioner himself had not gone to the house of the complainant and had not actually participated in the dacoity but the very fact that he was associated therewith in the planning makes him guilty of various criminal offences of serious nature. The petitioner cannot get any benefit by coming up with a plea that he is not named in the FIR and had not taken actual part in the dacoity because as per law when an offence is being committed in pursuance of a criminal conspiracy hatched, every person so connected with hatching of conspiracy is equally liable irrespective of the fact whether he had taken direct part in the commission of offence or not.

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 to unfold the complete story as to how the offence was planned and executed, the other persons involved therein and how the booty was distributed. The recovery of part of booty

coming to the share of petitioner is also to be effected. 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.

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

15.12.2020

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No