

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

CRM-M-36879-2019

Date of decision:-23.1.2020

Iqbal Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Puneet Kakkar, Advocate
for the petitioner.

Ms.Dimple Jain, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Iqbal Singh, an accused in FIR No.425 dated 15.5.2019, under Sections 406, 420, 506, 34 IPC and 24 of Immigration Act, registered with Police Station Karnal City, Karnal.

Briefly stated, the facts of the case are that criminal machinery in this case was set into motion by complainant Rakesh Ahuja son of Sh.Kapoor Singh, resident of House No.29, Prem Nagar, Karnal, who had submitted a written complaint to Superintendent of Police, Karnal against Ajit Singh son of Trilok Singh, Harneet Singh son of Ajit

Singh, Priti wife of Harneet Singh and Iqbal Singh (present petitioner).

According to the complainant, these four persons in connivance with each other had cheated him of Rs.9 lakhs on the pretext of sending the complainant abroad. The matter was investigated.

On registration of formal FIR, 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, Karnal vide order dated 22.8.2019. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

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

Learned counsel for the petitioner has argued that the petitioner is an old man; the FIR has been registered after 10 years; the petitioner has joined the investigation. Therefore, the anticipatory bail be granted to him.

Whereas learned State counsel has contended that though the petitioner has joined the investigation but he has not rendered any cooperation and has not got recovery of money or passport effected. There are specific and serious allegations against the petitioner. Therefore, his custodial interrogation is required.

After hearing the rival contentions, I find that it is certainly not a fit case for grant of pre-arrest bail. There is a strong tendency

amongst people of this region to migrate abroad in search of greener pastures and to fulfil that desire they can go to any extent. The wily and cunning persons take advantage of that fact posing as travel agents and fleecing innocent persons of substantial amounts of money selling them dreams of their migration. Many travel agents adopt very dubious and dangerous means for taking people abroad in the process quite often many casualties take place. Such type of elements have to be dealt with sternly. Furthermore, people repose faith in the persons, who promise to ensure their migration abroad and rarely ask for any receipt etc. after making payment so demanded and depositing the passport. Therefore, there could not possibly be any document evidencing payment of money and depositing of passport.

The persons mentioned as culprits in the FIR are closely related to each other. The petitioner is specifically named in the FIR. He is hand in glove with his co-accused.

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 . 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.

23.1.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No