

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

CRM-M-49905-2019(O&M)

Date of decision:-17.3.2020

Harinderpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Argued by: Mr.Vipin Mahajan, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

CRM-4555-2020

Heard.

For the reasons mentioned in the application, the same is allowed. Documents Annexures P3 and P4 are taken on record, subject to all just exceptions.

CRM-M-49905-2019

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Harinderpal Singh, an accused in FIR No.94 dated 7.9.2019 for the offences under Sections 306, 120-B IPC, registered with Police Station Ghuman, Police District Batala, District Gurdaspur.

Briefly stated, the facts of the case as per the prosecution version are that, criminal machinery in this case was set into motion by

complainant Rajwinder Kaur wife of Lakhwinder Singh, aged 48 years, resident of village Pandori, Police Station Ghuman, who in the statement got recorded by her with the local police stated that her son Satnam Singh had contracted a Court marriage with Simranjit Kaur daughter of Harinderpal Singh (present petitioner), resident of Kotli Tadia, P.S. Ghanie Ke Bangar on 28.4.2019; that marriage was performed with the consent of both the families; Simranjit Kaur had cleared IELTS examination and expenditure for the same was borne by Satnam Singh son of the complainant; the couple wanted to migrate to Australia and had contracted a travel agent for that purpose; for showing a good financial status of the couple, a joint account was opened with the bank in the name of Satnam Singh and Simranjit Kaur, whereas a second account was opened in the name of Harinderpal Singh, father of Simranjit Kaur with Indian Bank, Mullapur Dakha, District Ludhiana; a sum of Rs.18 lakhs was deposited in the joint account of Satnam Singh and Simranjit Kaur, whereas a sum of Rs.17 lakhs was deposited in the account of Harinderpal Singh; the travel agent had taken cash amount of Rs.3.5 lakhs from the complainant for reflecting that money in those bank accounts; after showing the money, one cheque was to be given by Satnam Singh and Simranjit Kaur; another cheque was to be given by Harinderpal Singh; Satnam Singh and Simranjit Kaur had given the cheque, however, Harinderpal Singh refused to do so. According to the complainant as per the agreement arrived at between them and the agent, the agent had to take back the said money because it was he who had put this money into the account for showing the funds; since Harinderpal Singh had refused to

return the money, therefore, Satnam Singh used to remain upset and he had told the complainant that for the said reason, he would commit suicide. According to the complainant, the family members of Simranjit Kaur started saying that it was only a temporary marriage between her and Satnam Singh and Simranjit Kaur be sent back to her parental house, however, the money would not be returned by her father; on 7.9.2019 at about 12:00 noon, Satnam Singh prepared a live video from his mobile phone, wherein he had stated that he was going to strangulate himself at the tubewell of Gian Singh; then her daughter-in-law Simranjit Kaur, her husband Lakhwinder Singh and 4-5 other persons from neighbourhood had gone to the disclosed place and found that Satnam Singh had strangulated himself by putting a rope with the pipe of motor; he had died and was brought home.

On the basis of such statement of the complainant, Rajwinder Kaur, formal FIR had been recorded.

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, Gurdaspur vide order dated 15.11.2019. As such, the petitioner has approached this Court asking for the 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 contended that as per

certificate issued by Indian Bank, no amount of Rs.17 lakhs had been deposited therein. Statement of account of Harinderpal Singh also reflects the similar position. Therefore, the prosecution story that the travel agent had deposited Rs.17 lakhs in the bank account of Harinderpal Singh so as to help Satnam Singh and Simranjit Kaur, who migrate to Australia stands falsified. Even otherwise, from the allegations in the FIR even, no abetment on the part of petitioner comes out to be there. He has since joined the investigation. Therefore, pre-arrest bail be granted to the petitioner.

Whereas the request is being opposed vehemently by the State counsel.

Here we are dealing with the question as to whether the petitioner is entitled to grant of pre-arrest bail or not. The considerations for grant of pre-arrest bail are quite different from the yardstick, which is to be used to determine guilt of the accused during trial.

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 the present case, the complainant has squarely blamed the present petitioner for suicide of her son. Only during the investigation, the investigating agency would be able to find out as to whether there is sufficient evidence to sent up the accused to face trial or not. The case is at the said stage. Though the petitioner has joined the investigation but as stated by Investigating Officer during the course of arguments, he has not

disclosed the full facts within his knowledge. In that way, the custodial interrogation is a must.

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.

17.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No