

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

CRM-M-5636-2021 (O&M)

Date of decision: 07.04.2021

Puneet Tanwar

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms.Rosi, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J.

This petition for pre-arrest bail has been filed by petitioner Puneet Tanwar, an accused in FIR No.302 dated 26.09.2020, for an offence under Section 25 of the Arms Act and Sections 395, 397 of IPC, registered with Police Station Kasola, District Rewari.

Briefly stated the prosecution story is that, on 25.09.2020, an information was received in Control Room, Rewari with regard to a robbery of truck on National Highway; accordingly, the police party went to the spot and came across complainant Sehjad, who submitted a written complaint to the police, contending therein that he was driving truck loaded with buffaloes and calves from Rajasthan with destination in UP; three persons were sitting with him in the truck; at about 10.30 PM, near Sangwari bridge at NH-8, one Alto vehicle having 6-7

occupants came in front of the truck with the result the truck was stopped; one of the occupants of the car having a country made pistol came towards the truck on driver side and after pointing weapon on the complainant, demanded money; three other occupants of the car boarded the truck from conductor side and started searching it; one of such persons took out Rs.12,000/- from trouser of the complainant, whereas, the other persons removed a sum of Rs.10,000/- and a mobile from dashboard of the truck; the mobile belong to Fazal; according to the complainant, he had seen the registration number of the car, which was HE96-9125, whereas, alphabet after '96' had been removed; on receipt of the complaint, formal FIR was registered; the investigation in the case started; Sunil Kumar was arrested on 26.09.2020; he was interrogated; he got the car used in the incident recovered; on 22.11.2020, another accused Rajesh @ Bhura @ Manju was arrested and a sum of Rs.1700/- was recovered from him; he suffered a disclosure statement that the country made pistol used in the offence was with the present petitioner Puneet.

After being nominated in this case, petitioner/had approached the Courts of Sessions at Rewari, by moving an application for grant of pre-arrest bail. His such application, which was assigned to Addl. Sessions Judge, Rewari was, however, dismissed, vide order dated 29.01.2021. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record and I find that the present petition is doomed for failure.

Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in rare and exceptional circumstances to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest and interrogation by the investigating agency. In the instant case, though the petitioner is not named in the FIR, but his name had cropped up during investigation in interrogation of co-accused Rajesh @ Bhura @ Manju. Such statement is admissible under Section 30 of the Indian Evidence Act and can certainly be looked into for the purpose of providing lead in the investigation. Custodial interrogation of the petitioner is found to be necessary for complete and effective investigation, so as to find out how the entire incident was planned and executed, the other persons involved therein and role played by each one of them. The pistol used in the incident is said to be in possession of the petitioner, the same is to be got recovered from him. Admittedly, custodial interrogation is definitely more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. Resultantly, the investigation in the case gets affected adversely. 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.

Thus, no case for grant of discretionary equitable relief of pre-arrest to the petitioner is made out. The petition stands dismissed accordingly.

07.04.2021

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(H.S. MADAAN)
JUDGE

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