

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

CRM-M-19399-2021 (O&M)

Date of decision: 27.05.2021

Tej Pal

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Vivek Goyal, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Tej Pal, an accused in FIR No.94 dated 01.04.2021, for offences under Sections 420, 467, 468, 471 and 120-B IPC, registered with Police Station Salem Tabri, District Ludhiana.

Briefly stated facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Ram Sanjeevan son of Chhote Lal, who in the written complaint addressed to Commissioner of Police, Ludhiana, alleged that petitioner/accused Tej Pal, working as Sweeper in DMC Hospital, Ludhiana had given him an allurements of getting a job for him in the Railway Department on payment of Rs.7 lacs and had in fact received

a total sum of Rs. 5 lacs in that regard in instalments on various occasions, however, he could not get such job for him and had issued a cheque in the sum of Rs.1 lakh in his favour, drawn on Oriental Bank of Commerce, Tagore Nagar, Ludhiana but that cheque got bounced on account of insufficiency of funds in his account; in that way, petitioner/accused had played fraud with him, cheating him of substantial amount of Rs.5 lacs without actually managing to get a job for him in the Railway Department; on receipt of such written complaint, formal FIR in the matter was recorded; the investigation in the case started.

Apprehending his arrest in this case, the petitioner had approached the Courts of Sessions at Ludhiana, by moving an application for grant of pre-arrest bail. His such application, which was assigned to Addl. Sessions Judge, Ludhiana, was, however, dismissed, vide order dated 28.04.2021. 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.

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. The allegations against the petitioner are very grave and serious of defrauding an innocent person of substantial amount of Rs.5 lacs on the pretext of arranging Govt. job for him without actually being able to do so and then usurping that amount belonging to the complainant. Such type of fraudsters and cheaters need to be dealt with firmly and sternly, so that such type of activities are curbed and gullible persons do not get deprived of their hard earned money to such type of persons. Custodial interrogation of the petitioner is definitely required to effect the recovery of money received by him from the complainant and for complete and effective investigation. In case, the same is denied to the investigating agency that shall leave many loopholes, lacuna and gaps in the investigation, adversely affecting the case of prosecution, which is uncalled for.

Although, learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely involved; he had not received any money from the complainant and rather, he himself is a victim and had submitted a complaint to the police against various persons but I find that such contentions do not come out to be convincing. No cogent and convincing reason has been given for alleged false implication of the petitioner/accused by the complainant in this case. I do not see any reason to disbelieve the prosecution version at this stage. The facts and circumstances of the case and requirement of the petitioner for custodial interrogation lead to the

conclusion that no pre-arrest bail can be granted to the petitioner. The petition so moved stands dismissed accordingly.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

27.05.2021

(H.S. MADAAN)
JUDGE

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