

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

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CRM-M-20415-2021.

Date of Decision: 21.05.2021.

Gurpreet Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Harmanjit Singh Jugait, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. has been moved by petitioner-**Gurpreet Singh** for grant of pre-arrest bail in case FIR No.294 dated 16.10.2020 under Sections 406 and 420 IPC, registered at Police Station Civil Lines Patiala, District Patiala.

Learned counsel for petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that as a matter of fact, petitioner was working with his brother-in-law Gurpreet Singh son of Karnail Singh, who is in the business of immigration service. He further urges that petitioner was also got involved by his brother-in-law in another case wherein the petitioner has already been granted interim relief by this Court, vide order dated 25.02.2021. He further urges that petitioner is a farmer and complainant is not even known to him. He further urges that nothing incriminatory is to be recovered at the instance of petitioner. He further

submits that though petitioner has no nexus whatsoever with the alleged

offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency, thus, concession of pre-arrest bail may be extended to him.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book has been supplied to him.

Learned State counsel while opposing the cause of petitioner has vehemently argued that petitioner is dealing in the business of immigration. He further urges that as per version of complainant-Sukhreet Singh, petitioner alongwith co-accused Harpal Singh and other concerned administrators of Next Immigration Services has spoiled the future of his son-Sehajpal Singh Grewal by siphoning off 7500 dollars of his (Sehajpal Singh Grewal's) tuition fee. He further urges that previously the petitioner was granted interim pre-arrest bail by the Sessions Court, vide order dated 27.11.2020 with the direction to join investigation on 28.11.2020, but he did not join investigation despite the fact that vide order dated 09.12.2020, he was given another opportunity to join investigation, but he failed to do the needful and ultimately, vide order dated 16.12.2020, application of petitioner for grant of pre-arrest bail was dismissed by the Sessions Court, as petitioner had failed to join investigation despite seeking adjournments. He further urges that second application for grant of pre-arrest bail was also moved by the petitioner before Sessions Court, which was dismissed, vide order dated 13.05.2021 (Annexure P/4). He further urges that particulars of case FIR have not been given, in which case FIR, the petitioner has been

further urges that a bare perusal of contents of Para No.8 of the petition, petitioner is involved in four other case FIRs and as such petitioner is habitual offender. He further submits that in view of nature of offence committed by the petitioner, his custodial interrogation is required to unearth the truth and as such he is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner alongwith co-accused by siphoning off 7500 dollars of tuition fee has spoiled the future of Sehajpal Singh Grewal (son of complainant-Sukhreet Singh). Pre-arrest bail is not to be granted as a matter of routine/course in all cases. The grant or refusal of such bail depends on the variety of circumstances, the cumulative effect of which, should enter the judicial verdict. The power under Section 438 Cr.P.C. is to be exercised sparingly and in exceptional cases keeping into focus the facts and circumstances of each case. At the same time, it is now well-settled proposition of law that the order of anticipatory bail cannot be allowed to circumvent normal procedure of arrest and investigation by the Police. The Court has also to see that the investigation is in the province of the Police and an order of anticipatory bail should not operate as an in-road into the statutory investigational powers of the Police, in exercising the judicial discretion in granting the anticipatory bail. The Court should not be unmindful of the difficulties likely to be faced by the Investigating Agency and the public interest likely to be affected thereby in this relevant connection. In a given

situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

21.05.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No