

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

CRM-M-30139-2020 (O&M)

Date of decision: 14.01.2021

Daljit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Ms. Jasneet Mehra, Advocate for the petitioner.

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

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Daljit Singh, an accused in FIR No.55 dated 28.04.2018, for offences under Sections 420 and 120-B of IPC, registered with Police Station Lopoke, District Amritsar Rural.

Briefly stated the prosecution version is that, complainant Gurvail Singh along with petitioner Daljit Singh and Gurdip Singh had purchased a truck; however, the plying of truck did not yield any profit, therefore, Daljit Singh retained the truck; he had given Rs.1,10,000/- to the complainant and was to give remaining amount of Rs.3 lacs; Daljit Singh assured the complainant that he was owner of plot at Amritsar and complainant would get a share in that plot;

subsequently, the plot was sold; Daljit Singh had issued two cheques; one in the sum of Rs.1,20,000/- and another for Rs.1 lakh, whereas, the remaining amount of Rs.80,000/- was to be given in cash; the cheques on presentation were dishonoured; on matter being reported to the police by the complainant, formal FIR in the matter was recorded; the investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had filed a petition for grant of pre-arrest bail before the Court of Sessions at Amritsar. His such petition was assigned to Addl. Sessions Judge, Amritsar, who vide order dated 08.08.2018, dismissed the same. 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. In the present case, the conduct of the petitioner has been such, which clearly disentitles him to the grant of discretionary equitable relief of pre-arrest bail. He is said to have issued two cheques, one in the sum of Rs.1,20,000/- and another in the sum of Rs.1 lakh in favour of the

complainant on account of discharge of his liability to pay the price of share of complainant in the truck to him but on presentation, the cheques were dishonoured. Ld. Addl. Sessions Judge, Amritsar on close examination of the matter had rejected the prayer of the petitioner for pre-arrest bail. Thereafter, he has approached this Court by way of filing the present petition. When the petition came up for hearing on 29.09.2020, counsel for the petitioner submitted that an oral compromise had been entered into between the petitioner and his co-accused one on one side and the complainant on the other side for return of Rs.2,25,000/- but unfortunately, the petitioner could not pay that amount. Therefore, his petition for pre-arrest bail was dismissed by Addl. Sessions Judge, Amritsar. On being enquired by the Court, learned counsel for the petitioner had stated that the petitioner was willing to deposit Rs.2,25,000/- as a pre-condition for being admitted to interim bail. After hearing learned counsel for the petitioner, learned State counsel and going through the record, while granting interim bail to the petitioner, it was directed that in addition to the bail and surety bonds to the satisfaction of Arresting Officer/Illaq Magistrate, a demand draft in the sum of Rs.2,25,000/- in favour of the complainant be deposited with learned CJM/Duty Magistrate concerned. On the next date, when counsel for the petitioner was asked as to whether draft in the sum of Rs.2,25,000/- in the name of complainant has been deposited in terms of the direction dated 29.09.2020, he sought some time to get necessary instructions. Accordingly, the case was adjourned

to 02.12.2020 on 03.11.2020. On 02.12.2020, he again sought time to get necessary instructions, whether the demand draft has been deposited or not. Today, again learned counsel for the petitioner is seeking further time. It is very strange that learned counsel for the petitioner could not get instructions from her client despite passing of more than three months. It seems that the matter is being dragged on unnecessarily. The petitioner has not complied with the directions of this Court with regard to deposit of demand draft of Rs.2,25,000/- in favour of the complainant despite giving an undertaking in that regard. A person of such type is certainly not entitled to be admitted to anticipatory bail. Furthermore, his custodial interrogation is found to be necessary for complete and effective investigation. In case, the same is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for.

The petition is found to be without any merit and is dismissed accordingly.

14.01.2021

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(H.S. MADAAN)
JUDGE

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