

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 104)

(1)

CRM No. M-37297 of 2021
Date of Decision : 09.09.2021

Mangat Ram

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM No. M-37298 of 2021
Date of Decision : 09.09.2021

Mangat Ram

...Petitioner

Versus

State of Punjab

...Respondent

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhinav Kalia, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

Present petitions, the details of which have been given in the headnote of the order, are being decided by this common order as the allegations in both the FIRs are the same and the prayer in both the petitions

is also identical.

The present petitions have been filed under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in respect of FIR No. 62, dated 21.04.2021, registered under Sections 420, 120-B IPC at Police Station Dasuya, District Hoshiarpur as well as FIR No. 93, dated 11.06.2019, registered under Sections 406, 420 IPC at Police Station City Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner argues that though petitioner has been named as Director of the Company in both the FIRs but in fact, he was a salaried employee and, therefore, any allegations with regard to the fraud being played by the Company cannot be attributed to the petitioner. Learned counsel for the petitioner submits that nothing has been mentioned as to what role the petitioner has played so as to bring the petitioner into the ambit of the alleged fraud committed.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that petitioner was the head of the Hoshiarpur Branch of the Company, namely, M/s Kim Infrastructure and Developers Limited and he was the one, who was collecting money by luring the people to invest by giving them false hopes, very well knowing that the promises being made to them are false and are not going to be fulfilled.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The fact that the petitioner was the head of the Hoshiarpur Branch of the Company, was conceded by the learned counsel for the petitioner during the course of hearing. That being so, the investment, which was being generated by duping the innocent people was being done by the petitioner. Once the allegations against the petitioner are that he lured the innocent people to deposit the money in the account of the Company so as to defraud them, custodial interrogation of the petitioner is necessary to unearth the truth, modus operandi and the money, which has been collected from the innocent people, to achieve the purpose of investigation in these cases.

Keeping in view the facts and circumstances of these cases, the purpose of investigation cannot be achieved by merely directing the petitioner to join and cooperate in the investigation and the custodial interrogation of the petitioner is necessary. Even the Hon'ble Supreme Court of India in *State represented by the C.B.I. Vs. Anil Sharma*, 1997 (4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail. In the present case, the allegations against the petitioner are of committing fraud by collecting money from the people by giving them false hopes hence, the police has to be given an effective hand to elicit the truth in the present case, which can only be done by the custodial interrogation of the petitioner.

No ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No