

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

203

CRM-M-38168-2020.

Date of Decision: 06.01.2021.

Japneet Singh @ Rubal

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Atamjit Singh Thind, Advocate for petitioner.

Mr. H.S. Sitta, Assistant Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.210 dated 16.10.2020 under Sections 406 and 420 IPC and Section 8 of Prevention of Corruption Act, 1988 (Amendment Act, 2018), registered at Police Station Kotwali Nabha, District Patiala.

Reply dated 09.12.2020 by way of affidavit of Rajesh Kumar, PPS, Deputy Superintendent of Police Circle Nabha, District Patiala alongwith Annexures, filed on behalf of respondent-State is taken on record.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that as a matter of fact complainant-Amandeep Singh had hired the taxi of petitioner but failed to

pay the fare thereof. He further urges that in order to resolve the fare dispute, above said Amandeep Singh had issued a cheque of Rs.7000/- on 25.03.2019 in favour of petitioner, which cheque on presentation was dishonoured on 26.03.2019. He further urges that since Amandeep Singh was on inimical terms with petitioner on account of money dispute, question of making payment of Rs.65,000/- by him in favour of petitioner on 18.05.2019 does not appear to be plausible. He further urges that even otherwise antecedents of Amandeep Singh were not upto the mark as he was convicted in case FIR No.4 dated 07.01.2015 under Sections 120-B, 406 and 420 IPC, pertaining to Police Station Sadar, Sangrur. He further urges 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.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that the petitioner with dishonest intention of cheating and to grab money had induced Amandeep Singh (complainant) that he was having acquaintance with Presiding Officer of the Court and thereby managed to get Rs.65,000/- as bribe in the name of Presiding Officer of the Court to get case decided in his (complainant) favour. He further urges that instant matter is quite sensitive as due to overt act of petitioner, the faith of public in judiciary could be shaken. He further urges that in view of nature of offence committed by petitioner, his custodial interrogation is required to recover the amount in question and to reveal the truth and as such petitioner 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 as well as reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner while showing his acquaintance with Presiding Officer of the Court dishonestly induced the complainant and got advanced a sum of Rs.65,000/- from him in lieu of pending matter decided in his favour. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. 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

06.01.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No