

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

CRM-M-37820-2020 (O&M)

Date of decision: 07.07.2021

Simon Christian

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Ms. Rakhi Sharma, Advocate for the petitioner.

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

Mr. Anil Chawla, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Simon Christian, an accused in FIR No.237 dated 10.09.2020, for offences under Sections 420, 467, 468, 471 and 472 IPC, registered with Police Station Gate Hakima, District Amritsar.

Briefly stated the facts of the case are that, criminal machinery in this case was set into motion by complainant Ms. Manju Puri wife of late Sh. Vikram Puri, R/o H.No.1026, Outside Japani Mills near Hanuman Mandir, Chheharta, who in the written complaint submitted by her sought taking of action against the present petitioner Simon Christian as well as Nathnian son of Rattan Masih, resident off

Village Mandiala, Tehsil Batala, District Gurdaspur, contending therein that both the accused fleeced her of a sum of Rs.17 lacs, giving her allurements of ensuring migration of her daughter, namely Kritika Puri to Canada, however, the accused could neither manage migration of her daughter to Canada nor returned the money, rather, they played fraud with her, handing over a wrong air ticket and passport containing fake Visa; out of total amount of Rs.19,15,000/- received by both the accused, a sum of Rs.10,50,000/- was received by the present petitioner in his bank account; on the basis of such 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 Amritsar, by moving an application for grant of pre-arrest bail. However, his such application, which was assigned to Addl. Sessions Judge, Amritsar, was dismissed, vide order dated 22.10.2020. As such, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

The petitioner is specifically named in the FIR with serious criminal acts attributed to him. As substantial amount of Rs.10,50,000/- was received in his bank account paid by the complainant, which is not denied by the petitioner, though, according to him, he was only a middle man and had further transferred that amount to his co-accused Nathanian.

The petitioner cannot plead innocence in such a manner, stating that he had in fact transferred the amount received by him from the complainant to his co-accused Nathanian. Once the amount was received in his bank account, that clearly shows his having common intention with his co-accused Nathanian and rather, a co-conspirator with Nathanian, having prior meeting of mind to cheat the complainant, prepared forged documents and tried to use those as genuine. The custodial interrogation of the petitioner, which is more elicitation oriented is definitely required for complete and effective investigation to find out as to how the crime was planned and executed, the other persons involved in it and the role played by each one of them. As per prosecution version, the petitioner and his co-accused had not only fleeced a sum of Rs.19,50,000/- from the complainant by giving her allurements of sending her daughter to Canada but had rather prepared forged documents including forged Visa. Undisputedly, the custodial interrogation of an accused helps the investigating agency to dig out the material facts and important information because a person under protective umbrella of pre-arrest bail would certainly not come up with all the facts within his knowledge and he having knowledge that the facts so disclosed may result in showing his involvement in the crime and may lead to his conviction in the criminal case. Therefore, grant of anticipatory bail to the petitioner in this case would rather cause impediment and hurdle in the investigation, which is uncalled for.

Further, facts and circumstances of the case disclose

commission of serious offences by the petitioner making him dis-entitled to grant of discretionary equitable relief of anticipatory bail, which as per settled law is to be granted in exceptional circumstances to save the innocent persons from harassment and inconvenience and not to protect the criminals from arrest and interrogation by the investigating agency. Therefore, no case for grant of pre-arrest bail to the petitioner is made out. The petition is doomed for failure and is dismissed accordingly.

07.07.2021

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(H.S. MADAAN)
JUDGE

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