

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102)

CRM-M-47682-2021

Date of decision: - 15.11.2021

Sukhdev Singh @ Kaka

...Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manvinder Singh Bal, Advocate, for the petitioners.

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

Mr. Dheeraj Mahajan, Advocate
and Mr. Sheenam Kamboj, Advocate, for the complainant.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.171 dated 20.09.2021, registered under Sections 420 and 406 IPC, at Police Station Sadar, Tarn Taran.

Learned counsel for the petitioner argues that in the present case, the petitioner who was paid by the complainant for helping him out in an excise case against his nephew, is now turning around to say that the money which was given to the petitioner was on some other pretext. Learned counsel for the petitioner further submits that the petitioner has done no wrong and is ready to join and cooperate in the investigation,

therefore, he be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 respondent-State.

Learned State counsel on the other hand submits that the payment of money by the complainant to the petitioner is on record by way of a video clip, wherein, the petitioner was seen not only receiving the money, but also counting the same. Learned State counsel further submits that the custodial interrogation of the petitioner is necessary to find out the trail of the money.

Learned counsel appearing on behalf of the complainant submits that the ground being taken by the petitioner that money was paid to him by the complainant with regard to helping his nephew is totally wrong rather the said money was received by him for procuring a job for the son of the complainant in the police department.

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

In the present case, the payment of money by the complainant to the petitioner is admitted. The dispute is only with regard to the reason for which money has been paid and on being asked by this Court as to on what pretext the money was received, learned counsel for the petitioner is unable to answer the said reason and the only reply was that the same was given to help him out in an excise case which was

pending against the nephew of the complainant. Nothing has come out as to how the payment of the said money was to help out the nephew of the complainant in the so-called excise case. Once, the payment of the money is accepted by the petitioner, the custodial interrogation of the petitioner is necessary to find out the trail of the said money.

Further, this is not a case, where allowing the petitioner to join investigation and co-operate will achieve purpose of investigation. 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, as the allegations against the petitioner are serious in nature, hence, the police has to be given an effective hand to elicit the truth, which can only be done by the custodial interrogation of the petitioner.

Keeping in view the above, no ground is made out to grant the petitioner the benefit of anticipatory bail.

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.

(HARSIMRAN SINGH SETHI)
JUDGE

November 15, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No