

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

204

CRM-M-50310-2019

Date of decision : 23.07.2021

Surinder Kumar Bagga

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAANPresent : Mr.Arur Khan, Advocate
for the petitioner.

Mr.Karan Garg, AAG, Haryana.

Mr.G.C.Shahpuri, Advocate for the complainant.

(The case has been taken up through Video Conferencing)

H.S. Madaan, J. (Oral)

Petitioner, Surinder Kumar Bagga an accused in case FIR No.202 dated 14.10.2019 under Sections 406, 506 IPC, registered at Police Station Bilaspur District Yamuna Nagar has approached this Court for grant of pre-arrest bail.

Briefly stated facts of the case as per prosecution version are that on 21.03.2018, complainant Nutan Sharma borrowed Rs.5,20,000/- from the petitioner and one Rajesh against security of her ornaments weighing about 260 grams. Though the complainant had repaid the amount but the petitioner accused did not return her ornaments making one excuse or the other. He had issued cheque dated 27.02.2019 and the same was dishonoured due to insufficient funds in the account of the petitioner. The accused had also given threats to the complainant and her husband. On matter being reported to the police, FIR was registered. Apprehending his arrest in this case, the petitioner had approached the court of Sessions

Judge, Yamuna Nagar at Jagadhri filing an application for grant of pre-arrest bail. Such application was dismissed vide order dated 14.11.2019. Feeling aggrieved, he has approached this Court craving for grant of that very relief.

I have heard learned counsel for the State as well learned counsel for the complainant whereas learned counsel for the petitioner states that he has nothing to say in the matter since the petitioner has not contacted him and he has not given him requisite instructions.

In the present case, keeping in view the nature of dispute, the matter had been referred to the Mediation and Conciliation Centre of this Court. The petitioner had been granted interim relief in the form of staying his arrest vide order dated 10.12.2019. However, the mediation did not prove to be fruitful.

Vide order dated 08.01.2020, the petitioner and the complainant were directed to appear in the court on 25.02.2020. Though the complainant put in appearance but petitioner did not come present. He was burdened with cost of Rs.10,000/- to be deposited with the High Court Legal Services Committee and receipt in that regard to be placed on record. Neither the cost has been deposited nor any receipt placed on record.

In that way, the petitioner is not complying with the directions issued by this Court, therefore, he is not entitled to discretionary equitable relief of pre-arrest bail. Further on merits, he does not have any case. The allegations levelled against him are grave and serious showing criminal breach of trust with regard to gold ornaments of the complainant which had been entrusted to him as security to be returned on receipt of the loan amount. The loan amount is stated to have been returned to the accused by

the complainant. The custodial interrogation of the petitioner is necessary for the purpose of effecting recovery of the jewellery by the Investigating officer. If custodial interrogation of the accused is denied to the investigating agency then it shall be deprived of effecting recovery besides leaving any loopholes, shortcomings and gaps in the investigation. Therefore, the petitioner is bound to fail and is dismissed accordingly.

[H.S. MADAAN]
JUDGE

23.07.2021
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No