

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

203

CRM-M-31000-2022

Date of Decision: 23.09.2022

Surender Balram Dubey

...Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ankit Dahiya, Advocate for
Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Sanjay Vashisth, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 420, 467, 468, 471 IPC, in FIR No.191, dated 24.07.2021, registered at Police Station Sarai Khawaja, District Faridabad.

Para No.5 of the order dated 22.06.2022 passed by learned Sessions Judge, Faridabad, who has given detailed reasons for not granting anticipatory bail to the petitioner, is reproduced hereunder:-

“It is not in dispute that the original cheque bearing no. 273659 was never issued by the drawer namely Shreekant Prasad Singh in favour of accused Sushma and she presented a cloned cheque and got encashed a sum of ₹11,75,000/-. During investigation, it has been found that applicant was using mobile nos.6283457684 and 7340621521, accused Sushma Singh was using mobile no.9654525118 and accused Rajesh

Yadav was using mobile no.9718984939. During investigation, it has also been found that all of them had been talking to each other on 24.06.2021 when the offence was committed and thereafter, their location was also the same. Both co-accused namely Sushma Singh and Rajesh Kumar have disclosed that a sum of ₹10,60,000/- is lying with the applicant and cloned cheque was also prepared and arranged by him and as such, it is only the applicant who can tell as to from where he had collected the original paper of the cheque and the machine with which the cheque was prepared. It is he who can disclose as to who appended signatures of Shreekant Prasad Singh on the said cheque and filled the other particulars. As such, custodial interrogation of the applicant is essential to unearth the entire story. If the applicant is interrogated under the protective umbrella of the order of this Court, he is not likely to answer the questions in the right earnest. In 1997(4) RCR Criminal 268 State represented by CBI Vs. Anil Kumar, Hon'ble Supreme Court had held that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this, effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and materials which would have been concealed. Hence, granting anticipatory bail to the applicant would rather hamper the free and fair investigation.”

From the perusal of the above order, it appears that this is a gang of the accused persons who are collectively involved in preparing the clone cheques and committing fraud with the banks of the account holders. Further, they have been found in contact with each other through telephonic talks on the day of the presentation of cheques.

In view of the valid reasons recorded by learned Sessions Judge, I do not find any reason to grant concession of anticipatory bail to the petitioner.

Dismissed.

(SANJAY VASHISTH)
JUDGE

23.09.2022

<i>komal</i>	Whether speaking/ reasoned	:	Yes/ No
	Whether Reportable	:	Yes/ No