

CRM-M-35759 of 2022

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

CRM-M-35759 of 2022
Date of Decision: 17.10.2022

Vikram Rahi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. D.D. Sharma, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.120 dated 21.12.2015 registered under Sections 420, 406 IPC at Police Station Cantt. Bathinda.

The present FIR has been registered on the statement of Jatinderpal Singh alleging that he and his grand-father Lachhman Singh Mehta are running a showroom of Hero motorcycles in the name and style of Kamal Enterprises. The Hero Finance Co., Delhi has deputed its employee namely Vikram Rahi to their agency for advancing finance/loan for the purchase of motorcycles by the customers. He used to finance motorcycles and he was working in their showroom w.e.f. 1.10.2013. When the customers used to come to him for finance/loan for the purpose of purchase of motorcycle, then he used to take the amount from the customers, but did not deposit the full amount to the cashier. Whenever

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customers approach the complainant for inquiring about the registration certificate, then they disclosed that they had paid the due amount to the petitioner. As per the complainant's version, petitioner had taken the amount from a number of customers but did not deposit the same with the cashier. It is alleged that the petitioner has embezzled amount of ₹7,01,070/-. On the basis of aforesaid complaint, present FIR was registered.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case as he has nothing to do with the alleged offence mentioned in the FIR. Petitioner never used to take any amount from the customers of the complainant regarding purchase of the vehicles. Petitioner is always ready and willing to join the investigation.

Per contra, learned State counsel opposed the petition for grant of anticipatory bail to the petitioner.

I have heard learned counsel for the petitioner and the learned State counsel and perused the paperbook.

As per reply filed by the state after committing the crime petitioner hid himself from the society and a rapat in this regard was lodged by his brother that the petitioner has left the house on 26.02.2015. Petitioner has not denied that he was employee of Hero Finance Co. The Investigating Officer has recorded the statement of customers, who purchased the motorcycles from the complainant agency. As per their version, they had paid the amount to the petitioner, however, he deposited

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less amount in their account.

In case of *State represented by the C.B.I. v. Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

In *Jai Prakash Singh v. State of Bihar and another (2012) 4 SCC 379*, Hon'ble Supreme Court held that anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See *D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434*, *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213* and *Union of India v. PadamNarain Aggarwal (2008) 13 SCC 305*). Arrest of the petitioner will be a part of the process of investigation intended to secure several purposes as observed by Hon'ble Supreme Court. The petitioner is to be questioned in detail regarding various facets of the crime. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot prima facie be said to have

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been falsely enroped in the crime and his custodial interrogation is necessary in the case and that petitioner is likely to abscond and misuse his liberty and does not deserve grant of anticipatory bail.

In view of the above, the petition is dismissed.

October 17, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

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