

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

105

CRM-M-1826-2023
Date of decision : 13.01.2023

Deepak Kumar

....Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Robin Lohan, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.257 dated 01.11.2022 registered under Sections 120-B, 419, 420, 467, 468, 471, 506, 387 and 406 of the Indian Penal Code, 1860 at Police Station Shahzadpur, District Ambala.

Brief facts of the case are that the above-said FIR was registered on the complaint made by complainant-Ranjit Singh alleging that accused-Deepak Kumar along with co-accused Amit Sidhan and Raj Kumar etc. after hatching a criminal conspiracy with each other prepared forged and fabricated documents to get truck No.HR-63B-2428 on rent and for this purpose, committed impersonation by showing himself as Ranjit Singh (complainant). After getting the truck on rent, they did not pay the rent and counterfeited a forged number plate of No.HR73-2850 and thereafter despite a panchayat settlement, they

did not return the vehicle and demanded Rs.5,00,000/- and also threatened to kill the complainant.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner was the mediator and witness between complainant-Ranjit Singh and co-accused Amit Sidhan of the agreement for taking 02 trucks on rent. The petitioner has not played any role except signing the agreement as witness. The main dispute is between the complainant and co-accused Amit Sidhan. Now both the trucks of the complainant have been recovered and amount of Rs.2,75,000/- has also been paid by co-accused Amit Sidhan to the complainant. Nothing has to be recovered from the petitioner and his custodial interrogation is not required in the case. The petitioner is also ready and willing to join investigation. Therefore, the petitioner may be granted anticipatory bail.

On the other hand, learned State counsel has opposed the present petition and submits that the petitioner along with co-accused cheated the complainant by preparing forged and fabricated documents. For thorough investigation of the case custodial interrogation of the petitioner is required. Therefore, the present petition may be dismissed.

Having heard learned counsel for the parties, I am of the view that the allegation against the petitioner is serious in nature. As per the prosecution the petitioner along with his co-accused not only prepared forged rent agreement but also made forged number plate and used the said forged number plate on the truck of the complainant.

Furthermore, investigation is still going on in the present case. For thorough investigation of the case and for finding out the

modus operandi of commission of offence, the custodial interrogation of the petitioner is necessary. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Hon'ble Supreme Court in *State Vs. Anil Sharma : (1997) 7 SCC 187* held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

Keeping in view the aforementioned facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby dismissed.

13.01.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No