

105

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 44656-2023
Date of Decision 06.09.2023*Satish**.....Petitioner**versus**State of Haryana**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Akashdeep Singh, Advocate for the petitioner

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Rajbir Sehrawat, J, (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 120 dated 16.06.2023, registered under Sections 306, 34 of the Indian Penal Code and Section 25(1-B)(a) of the Arms Act (Section 27 of the Arms Act added later on), at Police Station Bahadurgarh, District Jhajjar, Haryana (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the prosecution story, the deceased (Motiram) had sold the land to one Paramjeet son of Katar Singh and sale consideration of the said land had come to the bank account of the deceased. However, mobile number of the brother of the petitioner (Mohit) was attached to the bank account of the deceased and by taking benefit of that fact, the entire money lying in the bank account of the deceased was fraudulently got transferred in the bank accounts of the brother (Mohit) and

mother (Sita Devi) of the petitioner. But in the entire process, the petitioner stands nowhere and he has falsely been implicated in the case by the police. The petitioner shall join the investigation as and when called by the Police. Hence, the petitioner deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Karan Sharma, Deputy Advocate General, Haryana accepts notice on behalf of the respondent State.

5) Counsel for the State, on instructions from ASI Ravinder has submitted that the petitioner is the main accused; as has been disclosed by none other than his mother and his brother. In fact, mobile number, which stands attached with the bank account, though is of brother of the petitioner but the same was being used by the petitioner himself. The petitioner is the eldest son of the family. Therefore, he, himself, has managed the entire fraud. The police need custodial interrogation of the petitioner to unearth the true dimension of the crime committed by the petitioner. Hence, the petitioner does not deserve to be protected against his arrest.

6) In view of the facts and circumstances available on the file, as well as, submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter so as to grant concession of anticipatory bail to the petitioner.

7) Dismissed.

(Rajbir Sehrawat)
Judge

September 06, 2023
mohan bimbura

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No