

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-41831-2023
Date of decision: 11.03.2024

CHETAN CHAUHAN PETITIONER(S)

VERSUS

DIRECTOR OF REVENUE INTELLIGENCE ...RESPONDENT(S)

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Navkiran Singh, Advocate
for the petitioner(s).

Mr. Rajesh Sethi, Sr. Standing Counsel with
Ms. Preeti Bansal, Advocate and
Mr. Arun Biriwal, Advocate
for the respondent-DRI.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the petition under Section 438 Cr.PC is for grant
of pre-arrest bail to the petitioner in case bearing Complaint No.863 dated
21.07.2022 registered under Sections 172 and 174 of IPC which is pending
before the Court of Chief Judicial Magistrate, Amritsar.

On 25.09.2023, the following order was passed:-

*“The petitioner seeks grant of pre-arrest bail in case
bearing Complaint No.863 dated 21.07.2022 registered under
Sections 172 and 174 IPC which is pending before the Court of
Chief Judicial Magistrate, Amritsar.*

*At the very outset, the learned counsel for the petitioner
contends that so far Sections 172 IPC and 174 IPC are concerned,
as he has not approached the Sessions Court at the first instance,
he withdraws the prayer qua the grant of anticipatory bail in those
offences. As regards the offence under Section 135 of the Customs
Act, 1962, he contends that the first piece of evidence against him
is that he allegedly purchased the tickets for Gurbhej Singh,
Harbhej Singh and Rudra Nandan Shukla and the recovery of gold*

was effected from the first two named persons. He further contends that so far as the call detail records are concerned, at best, they would establish that he knew the other co-accused and would not in any manner establish his culpability. As regards the show cause notices issued to certain other persons pertaining to different complaints which were found from his premises, he contends that the said recoveries would not inculcate the petitioner in the absence of any other corroborating evidence. He even otherwise contends that he was ready and willing to join investigation. Reliance is placed on the judgment in the case of Tofan Singh Versus State of Tamil Nadu, 2020 AIR (Supreme Court) 5592 to contend that statements made under Section 108 of the Evidence Act are inadmissible in evidence.

The learned counsel for the respondent-Director of Revenue Intelligence contends that there was sufficient evidence to establish the complicity of the petitioner with the other co-accused.

Be that as it may, at this stage no case for custodial interrogation is made out.

Adjourned to 02.11.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required; ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any

Meanwhile, the State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

The learned counsel for the petitioner submits that the petitioner has joined the investigation in pursuance to the aforementioned order.

The learned counsel for the respondent on the other hand submits that though the petitioner has joined investigation, he has not cooperated with the same.

As co-operation with the investigation does not mean confession of guilt, at this stage, there is no requirement for custodial interrogation.

In view of the above, interim order dated 25.09.2023 is made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.03.2024

Kusum

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