

(2001) 08 P&H CK 0176

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 40408-M of 2000

Manga Ram @ Mangey Ram

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 17-08-2001

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 363, 366, 376

Citation : (2001) 4 RCR(Criminal) 270

Hon'ble Judges : K.C. Gupta, J

Bench : Single Bench

Advocate : Mr. S.C. Khunger and Mr. Sandeep Khunger, for the Appellant; Mr. P.S. Suller, AAG and Mr. Ashwani Gaur, for the Respondent

Final Decision : Dismissed

Judgement

K.C. Gupta, J.—The petitioner alongwith other co-accused has been booked in Crime Case No. RC/SIH/1998/S/0005 dated 9.3.1998 CBI Chandigarh for offence under Sections 364/120-B IPC.

2. Smt. Urmila wife of Chander Pal had filed a private complaint on 1.7.1995 stating that her husband is missing since 10.6.1995. The said complaint was entrusted to C.B.I., Chandigarh, by this Court to conduct an enquiry as writ was filed regarding the dis-appearance of Chander Pal.

3. During the course of investigation by the CBI, it was found that Chander Pal was abducted by two persons, namely, Rakesh Kumar and Bhupinder Pal on 8.8.1995 at the instance of Vikas Kumar and his brother Rakesh Kumar sons of Murli Dhar Sharma because Chander Pal was having illicit relation with Anita Rani, sister of accused Vikas Kumar and Rakesh Kumar. It was also found that Chander Pal and Anita Rani had eloped together for about one month. Chander Pal was handed over to Vikas Kumar and his brother, Rakesh Kumar, who killed him there and then by putting piece of cloth around his neck with the help of another person, Manage Ram, a taxi driver and relative of Vikas Kumar.

4. Now the petitioner, Manga Ram, has filed the present petition for anticipatory bail.

5. I have heard Sh. S.C. Khunger and Sh. Sandeep Khunger, counsel for the petitioner, Sh. P.S. Suller, AAG, Punjab, Sh. Ashwani Gaur, counsel for C.B.I, and carefully gone through the file.

6. Counsel for the petitioner contended that the name of the petitioner did not figure anywhere. He further contended that Murli Dhar had already been allowed anticipatory bail and then application was moved by CBI for cancellation of bail, which was rejected. Further contended that challan had already been put up in the Court against two persons, namely, Rakesh Kumar and Bhuupinder Pal and no challan had been filed against the petitioner and Murli Dhar and as such, he prayed that he be released on bail in the event of his arrest. On the other hand, learned Counsel for CBI contended that the petitioner the driver of the taxi in which Chander Pal was taken by Bhupinder Pal and Rakesh Kumar, at the instance of Vikas Kumar and was then murdered, and his custodial interrogation is necessary for proper investigation and to know how Chander Pal was murdered. For this contention, he placed reliance on State Rep. by the C.B.I. Vs. Anil Sharma, in which it was observed that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order u/s 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. Therefore, I hold that the interrogation of the petitioner is necessary to know about the facts of the case and as to how the crime was committed and Chander Pal was murdered and further who was present at that time and the place where he was taken in his taxi.

7. Hence, the petition for anticipatory bail is rejected.

8. Petition dismissed.