

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM M-36921 of 2015****Date of decision : 23.12.2015**

Mahabir

....Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Arun Luthra, AAG Haryana.

Mr. Bhupinder Ghai, Advocate for the complainant.

RAJAN GUPTA J.

This is a petition filed under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner vide FIR No. 336 dated 25.09.2015 under sections 406 & 506 IPC at Police Station Sadar Gohana, district Sonapat.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case only to put pressure on him to repay the amount allegedly paid by complainant for getting his son recruited in Delhi police. According to him, there is no evidence on record to connect the petitioner with the alleged crime. He is thus entitled to concession of pre-arrest bail.

Learned State counsel has opposed the prayer for bail. He has referred to reply by way of affidavit of Vinod Kumar, Dy. Superintendent of Police. According to him, petitioner duped the complainant of ₹7.00 lacs on the pretext of getting his son employed in Delhi police. However, when complainant came to know that he had been defrauded, petitioner returned ₹2,50,000/-

and refused to return the balance amount. According to him, during investigation various persons were associated and they corroborated the stand taken by the complainant.

I have heard learned counsel for the parties.

The allegation against the petitioner is that he took ₹7.00 lacs from the complainant promising him that his son would be recruited in Delhi Police. However, when complainant came to know that he had been cheated, he made a complaint to the police. Investigation ensued thereafter. Stand of the investigating agency is that custodial interrogation of the petitioner is necessary to unearth the modus operandi of the entire crime. Relevant para of reply filed by way of affidavit of Vinod Kumar, Dy. Superintendent of Police, Gohana reads as under:-

"3. That during the course of investigation several persons namely Karam Chand S/o Birkha Ram, Balwan Singh S/o Chander Singh, Master Ramdhari S/o Maha Singh, Ex. Sarpanch Naresh Kumar S/o Surat Singh, Dharam Bhanu S/o Rattan Singh, Daya Chand S/o Sri Ram, Surat Singh S/o Sohan Lal all resident of village Anwali Tehsil Gohana Distt. Sonipat submitted affidavit and in which they also corroborated the facts as mentioned by the complainant.

4. That from the evidence collected during the course of investigation, prima-facie case against the applicant/petitioner is made out and in the present case the petitioner/applicant is required to be investigated properly and for that purpose he is required in police custody. If the accused comes to police custody then there is a possibility that a big racket would get unearth. Might be other police official are involved in the case."

Keeping in view entire facts and circumstances of the

case, I am of the considered view that no case for grant of pre-arrest bail is made out. Petition is, thus, without any merit and is dismissed.

December 23, 2015

Ajay

(RAJAN GUPTA)
JUDGE