

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

CRM No. M-8469 of 2015

Date of decision:- July 20, 2015

Vikas Sharma

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. R.K. Agnihotri, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J.

Instant petition has been preferred by Vikas Sharma under Section 438 of the Code of Criminal Procedure (for short, 'Code') seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No. 230, dated 27.02.2014, under Section 420, 120-B IPC, Police Station Sadar Hisar, District Hisar.

2. Instant case stands registered on the basis of complaint lodged by Deepak son of Rajender Kumar on the allegations that he as well as some other persons were in need of job. On March 20, 2012, he had a talk with petitioner, who disclosed that he knows Karam Singh son of Kehar Singh, resident of Mandheri, District Kurukshetra, who can get them employed as Ticket Collector in

Indian Railways as he has already got employed many persons, then he got arranged a meeting with Karam Singh, who told that each of them have to part with a sum of ₹8 lacs each for getting them employed in Railways. On bargaining, Karam Singh agreed to take a sum of ₹6.5 lacs from each person. On December 25, 2012, a sum of ₹24 lacs out of ₹26 lacs was handed over to Karam Singh whereas remaining sum of ₹2 lacs deposited, at the instance of petitioner, in the account of Vikas Sandil, his co-accused but no one was got employed by Karam Singh as well as petitioner. Ultimately, some cheques were issued by Karam Singh through petitioner to the aggrieved persons but those were dis-honoured on presentation.

3. Contention of learned counsel for petitioner is that he has nothing to do either with Karam Singh or persons who are to be allegedly got employed by him in Indian Railways. In fact, petitioner is a young person of 22 years and is doing bachelor in engineering from a college in Rajasthan. He has committed no offence. No recovery is also to be effected from him. As such, his custodial interrogation is not required. He is also ready to join the investigation and abide by all the terms and conditions, imposed by this Court, in case, he is granted the concession of bail.

4. On the other hand, learned State counsel has strongly opposed the grant of bail to petitioner submitting that he acted as conduit in between the persons who are seeking job and Karam Singh, who has undertaken to get employment provided in Indian Railways. It was only at his instance that a sum of ₹2 lacs was

deposited on different dates in the account of Vikas Sandil, his co-accused, as is evident from documentary evidence available in the police file.

5. This Court has given an anxious thought to the submissions made by learned counsel for the parties and has perused the record.

6. There are specific allegations against petitioner that he acted as conduit in between persons, who are seeking employment and Karam Singh. It was only, thereafter, they parted with a sum of ₹26 lacs as settled in between them. Out of the total amount, a sum of ₹2 lacs was deposited at the instance of petitioner in the account of Vikas Sandil, his co-accused. Record in this regard has also been collected by investigating agency. Neither amount has been returned to aggrieved persons nor they have got employment. The act of petitioner is condemnable. Custodial interrogation of petitioner is essential to unearth all the ramifications involved in this case.

7. So, in such circumstances, this Court does not deem it a fit case to grant the concession of pre-arrest bail. Otherwise also, discretion envisaged under Section 438 of the Code is required to be exercised sparingly and that too in case where the Court is of the view that allegations appear to be false and baseless. As such, no opinion can be expressed at this stage.

8. Dismissed.

(JASPAL SINGH)
JUDGE

July 20, 2015
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