

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on : January 27, 2016

+ BAIL APPLN. 2725/2015
ANAND KUMAR VERMA

..... Petitioner

Through: Mr. Jatan Singh, Advocate
versus

THE STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Mr. Izhar Ahmad, Additional Public
Prosecutor for the State
Mr. Harish Kumar, Advocate for
respondent No. 2

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

JUDGMENT

P.S.TEJI, J.

1. The present application has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for the grant of regular bail in FIR No.471/15, Police Station Sultanpuri, under Sections 420/406/34 of the Indian Penal Code.

2. The gist of the present case is that the complainant – Rajesh Kumar lodged a complaint alleging that the petitioner alongwith Chanderpall and Dr. Rohtash have cheated him on the pretext of getting a job of clerk in M.S. Department of RML Hospital. When

they could not get him the job, they refused to return the money given by the complainant for the job to them. The complainant also alleged that petitioner has also cheated Yogesh and Rohtash on the pretext of Government Job. Investigation was conducted and after completion of the investigation, the charge sheet was filed by the Investigating Agency. At present the case is pending trial and charge is yet to be framed. Prosecution witnesses are yet to be examined.

3. Mr. Jatan Singh, counsel appearing on behalf of the petitioner submitted that the allegations levelled against the petitioner are completely false and frivolous and he has been falsely implicated in the present case. As per counsel for the petitioner, the present FIR is the fabrication of the unscrupulous minds of Yogesh, who is also a witness in the present case, the complainant and the local police officials. A different version of the story is described in the present petition. It is further contended that the wife of the petitioner namely Sangeeta Verma also lodged a complaint on 22.11.2014 against Yogesh and his accomplices including the complainant in the present case, but no action has yet been taken on the said complaint. Thereafter, the wife of the petitioner was compelled to file a

complaint case under Section 190/200 read with Section 156(3) Cr. P.C.

4. Counsel for the petitioner further contended that the petitioner is a simple salesman in a shop of his relative and has no means or connections to arrange for a government job for the complainant and witness Yogesh. Moreover, it is contended that no money whatsoever has been recovered from the petitioner or any of the co-accused persons and the bank transactions shown by the investigating agency in the account of the petitioner are only repayment of instalments of loan, which was acknowledged by the witness Yogesh. It is further contended that the complainant or the witness Yogesh could not provide details of the money transaction. It is argued that the role of the petitioner is similar to the other two co-accused persons namely Rohtash and Chander Pal and the complainant has failed to provide any concrete source of money and has made only verbal allegations, therefore, both Rohtash and Chander Pal have been put in column No.11 without arrest. But the petitioner was arrested on 17.05.2015 and since then, he is in custody. It is further submitted that the investigation of the present case is complete and the charge sheet has

already been filed and the matter is pending for framing of charge. As the affidavit sworn by the petitioner has been sent to FSL, therefore, the result on that affidavit may take considerable time and in such circumstance, the petitioner ought to be granted bail in the present case.

5. Mr. Izhar Ahmed, Additional Public Prosecutor appearing on behalf of the State vehemently opposed the aforesaid contentions raised by counsel for the petitioner. It is argued that during investigation, disclosure statement of the petitioner was recorded and according to the disclosure statement he was unemployed and a poor person and planned to cheat the persons on the pretext of providing government job in hospitals. According to the prosecution, the complainant was to be appointed on the post of clerk, Yogesh was to be appointed as Lab Attendant and Rohtash was to be appointed as computer operator. It is further submitted that the petitioner had taken 10 lac each from complainant and Yogesh and Rs.1 lac from Rohtash. The petitioner used to call victims from different SIM Cards and used to assure them on behalf of the Committee Chairman. Learned Additional Public Prosecutor for the State also contended that there

has been recovery of qualification and domicile documents from the petitioner and of one SIM card. As per CDR on record, petitioner made 100 calls to complainant, 587 times to Yogesh and 74 times to Rohtash. Lastly, it is contended that the charge sheet is filed but the charge is yet to be framed. Since material witnesses are yet to be examined, therefore, the petitioner ought not be granted bail in the present case.

6. I have heard learned counsel for the petitioner as well as the submissions made by learned Additional Public Prosecutor for the State.

7. After careful scrutiny of the case and the facts and circumstances of the present case, this Court observes that the other co-accused persons – Rohtash and Chander Pal, who have been attributed similar roles to the present petitioner have already been released on anticipatory bail vide order dated 30.06.2015 and 01.08.2015 respectively by learned Additional Sessions Judge, Rohini Courts, Delhi. This Court also observes that the petitioner is in custody since 17.05.2015 and the charge sheet has been filed but charge is yet to be framed against the petitioner. Moreover, the

affidavit sworn by the petitioner is sent to the FSL and the report on the said affidavit may take considerable time.

8. In view of the aforesaid and keeping in view the fact that the petitioner is in custody since 17.05.2015; the other co-accused persons have already released on anticipatory bail and that the FSL report on the affidavit sworn by the petitioner may take considerable time, this Court is of considered opinion that continuing the detention of the petitioner during the pre-trial stage will not be in the interest of justice.

9. Accordingly, it is ordered that the petitioner – Anand Kumar Verma be released on bail subject to furnishing his personal bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

10. The petitioner is directed not to tamper with the evidence, not to influence the prosecution witnesses and shall not leave the country without prior permission of the Court concerned.

11. However, it is made clear that the observations made above shall not affect the merits of the case.

12. In view of the aforesaid directions, the present bail application is disposed of.

Dasti.

(P.S.TEJI)
JUDGE

JANUARY 27, 2016
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