

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

**Crl. Misc. No.M-25394 of 2017 (O&M)
Date of Decision: November 10, 2017**

Mandip Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Simble, Advocate
for the petitioner (s).

Mr. C.L. Pawar, Sr. D.A.G., Punjab

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.98 dated 25.05.2017 registered for the offence punishable under Section 420 of Indian Penal Code, at Police Station Batala, Police District Batala, District Gurdaspur.

Heard.

FIR in this case was registered on the complaint of Sukhnam Singh, wherein he has stated that the petitioner, who was known to him, offered to provide job for his daughter in Punjab police and demanded ₹8 lakh, out of which ₹2,25,000/- was paid to him in his house in front of his family and his wife counted the money. Photographs, certificates and Aadhaar Card of his daughter were taken. Now, he is neither providing job

to the daughter of complainant nor returning his money. This complaint was made on 22.08.2016. He stated in his complaint that he is also having voice recording of the petitioner. Instant FIR was registered on 25.05.2017 after inquiry wherein it has been found that petitioner had taken another sum of ₹2 lakh from Chandanpreet Singh to get him recruited in Haryana Police and ₹1.5 lakh from Banke Bihari to get his daughter recruited as a teacher.

Learned counsel for the petitioner submits that the allegations levelled against the petitioner are false. As per his instructions, daughter of Sukhman Singh has already gone abroad. It was alleged that wife of petitioner is a teacher and nobody will pay such a huge amount to the petitioner as every educated person has knowledge that recruitment to the post of Clerk/Teacher etc. are made through competitive exam and not by making payment in the manner as has been made to the petitioner. The police has also verified the recording made by the petitioner, wherein it was found that wife of petitioner was admitting the taking of money and was ready to return the same but she was asking to settle the dispute instead of moving the application against them. The police also found that Gurinderjit Kaur wife of petitioner has no role in the matter.

Learned State counsel on instructions from ASI Balwinder Singh submits that during investigation, the police also verified the similar allegations levelled by Banke Bihari and Chandanpreet Singh, who have also given affidavit to the Investigating Officer in support of their contention.

It is a case where the complainant are alleging that they have

paid certain amount to the petitioner to get them or their ward recruited in the job of police or as a teacher. All the complainants are residents of Batala and offer was allegedly made to get Chandanpreet Singh recruited in Haryana police while offer for the daughters of Sukhman Singh and Banke Bihari was allegedly to get them employed in Punjab police and as a teacher respectively.

I have inquired about qualification of daughter of complainant, who allegedly did her graduation in the year 2016 i.e. after filing of the complaint while the qualification of daughter of Banke Bihari is B.A. B.Ed. and Chandanpreet Singh is 10+2 pass. It is well known that no one can be recruited to any clerical or teacher's job without appearing in competitive exam. In the complaint, there is no date or year of payment of money to the petitioner. Even if, the complainant have given affidavits in support of their contentions, still it is a fact to be verified as to whether the daughters of Sukhman Singh and Banke Bihari were eligible to be recruited as per their age and qualification and Chandanpreet Singh, who was 20 years of age in the year 2016 was eligible to be appointed in Haryana Police as per his qualification.

Keeping in view the above facts and that completion of investigation, presentation of final report and thereafter the trial, if required, will take considerable long time, this petition is allowed. Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on bail till the presentation of challan, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and

conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him and will seek regular bail before the trial Court on presentation of challan.

In the event of petitioner not surrendering before the Investigating Officer within two weeks, the benefit of anticipatory bail allowed to the petitioner shall stand withdrawn.

November 10, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***