IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-31328 of 2016 (O&M)
Date of Decision : 27.02.2017

Lalit Mohan ....Petitioner

Versus

State of Haryana ....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Karan Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Surinder Gupta, J.

Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail for petitioner-Lalit Mohan in case bearing FIR No. 282 dated 13.05.2016, for offences punishable under Sections 406, 420 read with Section 120-B of Indian Penal Code (for short 'IPC'), registered at Police Station City Jagadhari.

Instant FIR was registered on the statement of Suresh Kumar son of Bakshi Ram, wherein he has stated that accused named in the complaint, namely, Anil Kumar, Joginder and Lalit Mohan (petitioner) were known to the complainant. Accused Anil Kumar and his father-in-law Joginder, allured the complainant for employment of his son Amit Kumar in Railway Board and settled the bargain for ₹4,50,000/-. In February 2015, they demanded ₹4 lacs for arranging employment for son of the complainant at which complainant paid them ₹2 lacs. They assured the complainant that job for his son will be arranged shortly and he should arrange remaining amount. On 14.02.2015, Anil Kumar took son of the complainant to Calcutta for medical examination and asked the complainant to deposit amount of ₹2 lacs in account no. 50100079968160, HDFC Bank, Yamunanagar, which was in the name of petitioner. The complainant deposited ₹2 lacs in the aforesaid account. Thereafter, accused brought Amit Kumar back and assured that he will shortly get the job. The accused used to take son of the complainant and other boys to railway track near Calcutta (Collicutt) and get some job for them and then ask them to go back. This continued for about one month. During this period, Anil Kumar came to the complainant and demanded ₹23,000/- for completing service book of his son. This amount was paid by the complainant on 27.05.2015. Anil Kumar also obtained signatures of son of the complainant on some plain papers and told him that he will get a permanent job. He thereafter sent son of the complainant back to his house and asked him to wait for some days till he get his appointment letter from the office of DMR, Delhi. He further asked for a sum of ₹50,000/- to get local appointment. Thereafter, the complainant came to know that it was all a fraud played with him by the accused.

Learned counsel for the petitioner has argued that no role of the petitioner has been attributed in the FIR. The only allegation against petitioner is that amount of ₹2 lacs was deposited in his account by the complainant. This amount was admittedly deposited in the account of petitioner but he withdrew this amount and gave the same to Anil Kumar. He had no role to play in the entire fraud committed by Anil Kumar or his father-in-law.

Allegations in the FIR point towards a racket being run by some unscrupulous persons indicating that they were cheating innocent persons by alluring them with promise to get job for their wards. The amount of ₹2 lacs has come in the account of petitioner and he had not taken any step to intimate the police rather connived with other accused, is a fact which call for investigation by the police to ascertain his role in entire racket. Custodial interrogation of the petitioner will help the police in thorough investigation of allegations levelled in the complaint.

Keeping in view the fact that allegations in FIR indicate cheating of innocent persons by unscrupulous persons and there is documentary evidence of deposit of ₹2 lacs in the account of petitioner, I find no reason to exercise discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merit and the same is dismissed.

February 27, 2017 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/Reasoned Yes/No

Whether Reportable Yes/No