

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

CRM-M No.34116 of 2016

Date of Decision: 05.04.2017

RAM NIWAS

.....Petitioner

Vs

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohinder Singh Kahturia, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

Mr. Ranvir S. Chauhan, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case bearing FIR No.273 dated 28.08.2016 registered under Sections 420/406/506 IPC at Police Station Sadar Tohana, District Fatehabad.

[2]. Brief facts are that complainant Baljit Singh lodged the FIR against the petitioner and Satpal Singh with the allegations that there was an advertisement for the post of postman in the post office in the year 2014. Brother-in-law of the complainant namely Parveen Kumar had applied for the same and the written examination was held on 27.04.2014. The complainant

was known to the accused persons. Thereafter, the accused called the complainant to Government School, Bhodi where the petitioner was working. He assured the complainant that he would get the written exam of Parveen Kumar cleared for the purposes of getting him employed.

[3]. An amount of Rs.3 lacs was required to be paid by the complainant to the accused persons. The accused made the complainant to believe that they have earlier got cleared the examinations of other persons and were instrumental in getting job for them. The complainant fell in the trap of the accused and paid Rs.1.5 lacs on 03.03.2014 in the presence of Wazir Singh son of Nomi Singh resident of village Rajthal. Thereafter an amount of Rs.50,000/- was paid on 12.03.2014 as the same was deposited from Ahmedabad by some of the relative in the account of the accused. In between 03.03.2014 and 12.03.2014 an amount of Rs.49,000/- was deposited in the account of accused No.1/petitioner at Tohana. On 23.04.2014, an amount of Rs.50,000/- was paid to Satpal Singh at Bhuna.

[4]. The candidate could not clear the exam. A panchayat was convened at the house of Satpal Singh on 25.04.2014, where the accused No.1 was present. Accused No.2 Satpal Singh gave a cheque of Rs.50,000/- to the complainant and also promised to pay Rs.40,000/- upto 05.05.2015 and

remaining amount was to be paid by 31.05.2015. In the said Panchayat, Wazir Singh and Karambir were also present. The cheque given by Satpal Singh was dishonoured on being presented. Thereafter despite assurance the amount was not paid and the FIR came to be registered.

[5]. On 24.09.2016, notice of motion was issued on the contention made by learned counsel for the petitioner to the effect that in respect of payment in question, a complaint has already been filed by the complainant under Section 138 of the Negotiable Instruments Act (for short 'the Act') against the wife of the petitioner-Ram Niwas. On that premise, interim bail was granted in favour of the petitioner.

[6]. During the course of arguments, it has come to fore that only cheque of Rs.50,000/- was issued by Satpal Singh and there was no complaint filed under Section 138 of the Act by the complainant against the wife of petitioner Ram Niwas. Three different complaints were filed by wife of the petitioner against the brother of brother-in-law of the complainant under Section 138 of the Act. Surrender Singh is the real brother of Wazir Singh and is brother of brother-in-law (Jija) of Baljit Singh. An amount of Rs.1.5 lacs was paid in cash on 03.03.2014 in the presence of Wazir Singh and amount of Rs.50,000/- was transferred in the account of the accused by some relative and

an amount of Rs.49,000/- was deposited in the account of the petitioner and thereafter an amount of Rs.50,000/- was paid in cash to Satpal Singh on 23.04.2014.

[7]. From the record and the arguments raised by learned counsel for the petitioner and complainant, it appears that many complaints have been filed by different persons namely Anita Devi wife of Srinivas, Manoj Kumar son of Mange Ram, Vijay Singh son of Jaimal Singh, Vijay son of Sainsi Ram and Roshan Lal against the petitioner in respect of his accusation arising out of the similar controversy.

[8]. The arguments of the parties in respect of dealings between Surender Singh, Wazir Singh, Baljit Singh and Kamlesh Kumari in the context of agreement dated 02.06.2013 cannot dilute the intensity of accusation against the petitioner at least for the purposes of granting anticipatory bail.

[9]. Since the petitioner has procured the order dated 24.09.2016 by making a wrong statement before this Court, therefore, in my considered opinion, he is not entitled to any concession of anticipatory bail. The petition is accordingly dismissed.

April 05, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No