

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

**Crl. Misc. No.M-3517 of 2017 (O&M)  
Date of Decision: August 24, 2017**

Sunil Kumar @ Rahul

**.....PETITIONER(s).**

**VERSUS**

State of Haryana

**....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Rajnikant Upadhyay, Advocate  
for the petitioner (s).

Mr. Ashish Yadav, Addl.A.G. Haryana.

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**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.0008 dated 30.01.2016 registered for the offences punishable under Sections 420, 406 read with Section 34 of Indian Penal Code, at Police Station Titram, Kaithal.

Heard.

Learned State counsel has argued that petitioner along with Jitender Chandana, Rahul Nagpal, Vishal Sharma, Manoj and one Ambu entered into a conspiracy to earn easy money and to give shape to their plan, they gave advertisement for erection of mobile towers in newspaper (*Punjab Kesri*). The account was opened in the name of Jitender Chandana with promise to pay him 10% of the total amount deposited in his account.

Thereafter the petitioner and his co-accused started calling the people and asked them to deposit the money in the account of Jitender Chandana, where an amount of ₹14,60,000/- was deposited, out of which ₹1,46,000/- was given to Jitender Chandana and remaining was shared by petitioner and his co-accused. In order to keep their identity undisclosed, they used to change their names while making calls. Jitender Chandana in his disclosure statement to the police recorded on 05.01.2016 has corroborated the prosecution version about the plan and conspiracy hatched by the petitioner. The matter came to light when the complainant Satbir Singh lodged the instant FIR with Kaithal police. Custodial interrogation of the petitioner is required to look into the entire conspiracy hatched by him and his co-accused and to track all the persons with whom they had played fraud.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. As per the police version, entire case is based on documentary evidence for which custodial interrogation of petitioner is not required.

Learned State counsel while refuting the contention of learned counsel for the petitioner, submits that petitioner was actively involved and was the main kingpin of the entire fraud played with the complainant and other persons. As per the investigation carried out so far, he was the person who was making false promise and duped the innocent people along with Vinod and Deepak. Another FIR has also been recorded to this effect against him in Police Station Kherki Daula, District Gurgaon bearing No. 158 dated 05.04.2015, wherein the petitioner has suffered disclosure statement regarding the fraud played by him.

On giving a careful thought to the respective submissions of learned counsel for the petitioner and learned State counsel, I find that the the police during investigation has found prima facie evidence to indicate that petitioner is the main kingpin of the entire fraud played with different persons under the garb of erecting towers and ensuring rental income to them. It is a case where the general and innocent public has been cheated and such matter require thorough investigation to bring out the entire role played by the petitioner and his co-accused. This fact is not disputed that the money was deposited in the account of Jitender Chandana who in his statement has disclosed that the entire deposited amount was withdrawn and handed over to the petitioner. The mere fact that petitioner is not named in the FIR is no reason to extend him the benefit of pre-arrest bail. The complainant and other persons, who were contacted through telephone, could have no reason to name the petitioner, who had been contacting him with some other name.

Keeping in view the above facts, I find no merit in this petition and the same is dismissed.

**August 24, 2017**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**

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

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