

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

**CRM-M No.37909 of 2016
Date of Decision: 06.03.2017**

Manish

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioner prays for the grant of anticipatory bail in FIR No.26 dated 12.02.2016, registered under Sections 406, 420 and 120-B IPC at Police Station Civil Lines, Kaithal.

Seeking anticipatory bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in this case; no recovery has been effected from him; regular bail has been granted by this Court to his co-accused-Hazari Lal; Balbir Saini, who was one of the accused in the FIR, has been declared innocent by the police and that the investigating agency has not verified whether the complainants had the financial capacity to pay the alleged amount to the petitioner and his co-accused.

In support of his contentions, learned counsel for the petitioner has relied upon a judgment of the Apex Court in *Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others* AIR 2011 SC

312.

Opposing the grant of anticipatory bail to the petitioner, learned State counsel submits that the petitioner is working as an agent for allotment of gas agencies; there are serious allegations against the petitioner and his co-accused of having accepted Rs.43.50 lakhs from the complainants on the pretext of procuring for them a gas agency; the complainants are persons of means as one of the complainants has a sweets shop and the other one owns a rice mill; majority of the afore-referred amount was paid to the petitioner; the petitioner during the course of preliminary investigation which took place before lodging of the FIR has admitted that out of Rs.43.50 lakhs, he had taken Rs.17.50 lakhs from the complainants on the pretext of getting allotted to them a gas agency. It is further submitted on behalf of the State that whether the petitioner had defrauded other persons needs to be investigated and the money which the petitioner had taken from the complainants is to be recovered.

The allegations against the petitioners are serious. He and his co-accused are alleged to have extracted a huge amount of Rs.43.50 lakhs from the complainants on the pretext of getting allotted to them a gas agency. It is the case of the prosecution that after accepting the initial amounts, the balance payment was extracted by the petitioner and his co-accused from the complainants after showing to them, letters written by politicians recommending allotment of a gas agency in favour of the complainants. The amount allegedly accepted by the petitioner, in cash, is still to be recovered. The matter needs to be investigated as to whether such amounts have been invested by him. Whether the petitioner has indulged in similar fraudulent acts qua other persons also needs to be

gone into.

Thus, in my opinion, the petitioner's custodial interrogation is warranted.

In view of the above noticed facts, the judgment of the Apex in *Siddharam Satlingappa Mhetre's case (supra)* would not support the case of the petitioner.

Dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

March 06, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No