

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Sr. No.206

CRM-M-19407 of 2018

DECIDED ON: November 26, 2018

NEERU

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

2.

CRM-M-25248 of 2018

RAJNISH KUMAR

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Shubham Aggarwal, Advocate, for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana.

Mr. Ashish K. Gupta, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

This order shall dispose of aforementioned two petitions filed by the petitioner(s) for grant of anticipatory bail as the same arise out of the common FIR No.109, dated 09.04.2018, registered under Sections 406 & 420 IPC, at Police Station Naraingarh, District Ambala.

According to the FIR, the petitioners have taken money from the complainant on the pretext of getting him employed in the railways. However, neither the money was returned nor he was given any employment.

Learned counsel for the petitioner(s) submits that according to the FIR, a sum of Rs.4 lacs was taken on 29.05.2015 and Rs.2 lacs was taken in January, 2016. However, the complaint to the police is dated 26.12.2017. Thus, apparently there is a time lag and this point towards false implications. The petitioners are the owner of a courier shop situated in the neighbourhood of the Kirana shop of the complainant and there is some dispute between them. On account of the said dispute, the petitioners have been falsely implicated. The petitioners have joined investigation pursuant to the interim direction given by this Court and thus, they are entitled to grant of anticipatory bail.

Learned State counsel as well as counsel for the complainant submit that during the course of investigation, a recording of a conversation between the complainant and petitioner-Rajnish Kumar has been obtained, in which, the petitioner-Rajnish Kumar has accepted receiving the money. He has further implicated three other persons in the recording. During the course of the investigation, the petitioners have not revealed the details of those three persons. Moreover, vide notice dated 14.11.2018, received by the petitioners on the same date, they were asked to appear on 21.11.2018 for getting their voice sample recorded but they failed to do so. It is thus apparent that the petitioners are playing hide and seek and are taking advantage of the interim protection granted by this Court. Thus, the petitions deserve dismissal.

From the aforementioned facts and circumstances, it becomes clear that the petitioners are trying to evade their liability. They are not coming forth with clean hands and are attempting to scuttle the investigation. Had they been falsely implicated, there was no necessity to

CRM-M-19407 of 2018

evade investigation and they would have fully cooperated therewith. But it appears that everything is not above board. Thus, I see no reason to confirm the interim bail granted earlier to the petitioners.

The petitions are accordingly dismissed.

A copy of this order be placed on the file of another connected case.

November 26, 2018

Ankur

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

**(SUDHIR MITTAL)
JUDGE**