

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

CRM-M-20120 of 2018.

Decided on:-August 23, 2018.

Sandeep Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Ravi Chadha, Advocate
for the complainant.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed present petition under Section 438 Cr.PC for grant of anticipatory bail in FIR No.35 dated 03.08.2018 under Sections 406 and 420 read with Section 34 IPC registered at Police Station Mukerian, District Hoshiarpur.

As per the FIR, Harjinder Singh, who is the brother-in-law of the petitioner, and Narinder Singh, who is the son of complainant Mohan Das are working in the Indian Army and are posted in Sri Nagar. In July 2016, Narinder Singh while being posted at Sri Nagar talked to his colleague Harjinder Singh (brother-in-law of the petitioner) about his younger brother Kulwinder Singh, who is unemployed and told him that he wanted to get his

younger brother recruited in Punjab Police. On this, Harjinder Singh told Narinder Singh that his brother-in-law (petitioner herein), who is working as a Reader of Senior Superintendent of Police, Tarn Taran knows some influential higher officials and he can get his younger brother recruited in Punjab Police. Then Narinder Singh informed his father Mohan Das i.e. the complainant and introduced him to Harjinder Singh and Sandeep Singh (petitioner herein) through telephone. Both Harjinder Singh and the petitioner gave assurance to the complainant that they will get Kulwinder Singh recruited in Punjab Police.

On 21.08.2016, on receiving a message from the petitioner, the complainant along with his son Kulwinder Singh reached Bus Stand, Mukerian, where the petitioner met them and demanded Rs.11 lakh to get Kulwinder Singh recruited in Punjab Police. Thereafter, the complainant gave Rs.11 lakh to the petitioner on three occasions i.e. Rs.2 lakh on 25.08.2016, Rs.5 lakh on 23.10.2016 and Rs.4 lakh on 30.10.2016.

Thereafter, on 30.10.2016, the petitioner telephonically informed the complainant that his son's name is not mentioned in the list of Constables, but he would get him recruited as an ASI. The petitioner also obtained signatures of Kulwinder Singh on a plain paper and also received two blank cheques of Gramin Bank, Nangal from Kulwinder Singh and gave him ASI No.1244. The complainant also deposited another sum of Rs.49,000/- in Axis Bank on 02.11.2016 against demand of Rs.50,000/- made by the petitioner.

It was further alleged in the FIR that in the month of December, 2016, the petitioner and Harjinder Singh informed the complainant that the

Senior Superintendent of Police came to know about the matter that the petitioner had taken money for recruitment of Kulwinder Singh and as such, the petitioner required the help of the complainant. Thereafter, the petitioner obtained an affidavit from the complainant to save himself. The petitioner also demanded another sum of Rs.1 lakh from the complainant on the pretext that the Government has been changed in the State of Punjab. The complainant gave Rs.50,000/- on 02.07.2017 and Rs.15,000/- on 06.07.2017 to the petitioner, but neither his son Kulwinder Singh got an appointment letter nor the money was returned. Rather, the petitioner threatened the complainant that he would get him arrested in some false case. Even the original certificates of Kulwinder Singh were not returned by the petitioner.

Learned counsel for the petitioner has argued that no money was taken from the complainant except an amount of Rs.1,50,000/- which was taken as loan on interest and the same has duly been returned. This fact was also admitted by the complainant vide affidavit dated 20.12.2016. Therefore, the allegations are false. The complainant has not been able to substantiate the fact that as to from where he had arranged a sum of Rs.12,50,000/- so as to give the same to the petitioner.

On the other hand, learned State counsel, on instructions from ASI Ravinder Singh, has argued that the money taken by the petitioner is required to be recovered.

Learned counsel for the complainant has argued that the affidavit dated 20.12.2016 was taken by the petitioner from the complainant on the

plea that the affidavit so furnished would not only save the amount so given by the complainant, rather, it will also help the petitioner in his service.

I have heard learned counsel for the parties.

Vide order dated 13.08.2018 passed by this Court, the petitioner was directed to come present on the next date of hearing i.e. 16.08.2018, but despite giving two opportunities, he has not appeared before this Court.

Be that as it may and considering the fact that the allegations levelled against the petitioner are serious in nature as he had taken money from the complainant in order to get his son recruited in the Punjab Police by projecting himself as Reader to the Senior Superintendent of Police, Tarn Taran, this Court finds that no ground for grant of anticipatory bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

August 23, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No