IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-25530 of 2018

DATE OF DECISION:05.07.2018

Subhash Saini ....Petitioner

Versus

State of Punjab ....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. JS Saini, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

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DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to petitioner-Subash Saini in case FIR No. 1 dated 10.1.2018 registered under Sections 406,420 and 120-B IPC at Police Station Phase II, SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and no incriminating evidence has been found against him during investigation carried out by the investigating agency. Learned counsel further contends that the petitioner was working as private driver at Kurukshetra and came in contact with main accused-Sukhdarshan Singh @ Madan Lal through one Jarnail Singh. The petitioner was assigned the work of keeping and collecting doucments and money on behalf of Sukhdarshan Singh @ Madan Lal at his office situated at Mohali and he was paid fixed salary of ₹12,000/- by Sukhdarshan Singh @ Madan Lal. As the petitioner was not paid even a single rupee, he left the job and again started doing job of private car driver at Kurukshetra. Learned counsel also contends that the petitioner has been projected as Manish by main accused-Sukhdarshan Singh, whereas, he was not involved in the present case. Main accused-Sukhdarshan Singh is the sole beneficiary in the case and the petitioner acted/worked as a worker only. There was no intention to commit any fraud or take benefit in any manner. At the end, learned counsel for the petitioner contends that all the allegations are there against the main accused-Sukhdarshan Singh and the petitioner has falsely been implicated in the case. Learned counsel has also relied upon order dated 6.4.2018 passed in Crl. Misc. No. M-13549 of 2018 in the case of co-accused-Sukhdarshan Singh, wherein, he was ordered to be released on regular bail.

Learned counsel for the respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground that it was a case of fraud totally and the petitioner in connivance with the main accused projected himself as Manish. There are serious allegations of fraud against the petitioner and co-accused as not only the amount was collected by them by changing their names with bogus firms.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

The FIR was registered on the basis of complaint made by Avtar Singh. As per allegations in the FIR, the complainant after seeing the advertisement in the newspaper on 17.12.2014 applied for the post of Gunman in HDFC Bank, Ambala. He was called by the accused persons and asked to deposit an amount of ₹30,000/- as security and a letter of appointment was issued to him. Thereafter on subsequent occasion also, the complainant was asked to pay an amount of Rs. 1,85,000/- as security for appointment to the post of Branch Manager. The complainant paid an amount of Rs. 1 lacs and was asked to sign an agreement. Thereafter also on various occasions, money was demanded from the complainant, which was paid.

On the basis of complaint made by the complainant, FIR was registered and inquiry was conducted by the police, wherein, it was found that the accused persons in conspiracy with each other used to loot the public by promising them to provide job. They used to open the offices by changing the name of the Company. It was also found in the inquiry that Sukhdarshan Singh by projecting himself as Madan Lal, Jarnail Singh @ Jassi with other accused persons, namely, Manish and Mohit gave an advertisement in the newspaper for providing jobs. Complainant being the ex-servicemen was assured by the accused persons to give the job of gunman and thereafter of Manager in the company and an amount of ₹2,15,000/- along with ₹50,000/- was duped.

A perusal of the allegations contained in the FIR as well as the inquiry report shows that it was a clear cut case of cheating and fraud by opening bogus companies in order to attract people to provide job by extracting money. The petitioner cannot claim parity with co-accused Sukhdarshan singh as he was arrested and thereafter released on regular bai on 6.4.2018.

Keeping in view the allegations against the petitioner and other co-accused, no ground is made out to grant anticipatory bail to the petitioner. The petition being devoid of any merit is hereby dismissed.

However, in case the petitioner surrenders before the trial Court within a period of two weeks from the date of receipt of certified copy of the order passed by this Court and moves an application for regular bail, the trial Court is directed to consider the same and pass necessary order in accordance with law within a period of two weeks thereafter.

July 05, 2018 **(DAYA CHAUDHARY)**
pooja **JUDGE**

Whether speaking/reasoned Yes
Whether reportable Yes