

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

CRM-M-35990-2017

Date of decision:-29.1.2018

Ram Niwas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Promila Nain, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Ram Niwas – an accused in FIR No.381 dated 1.8.2017, under Sections
406 and 420 IPC registered at Police Station Gohana City, Sonapat.

Briefly stated, facts of the case as per prosecution story are
that FIR in this case was lodged on the basis of written complaint dated
31.7.2017 submitted by complainant - Sandeep running a shop at New

Grain Market, Gohana wherein he stated that about 14-15 months earlier, three persons, namely, Sonu Kumar, Harish and Ram Niwas, who had been visiting his shop, represented to him that they could get a job for any person in Railway Deptt., therefore, a deal was struck between the complainant and the accused for providing Government jobs to Balkar son of Raghubir Singh, Sumit son of Shri Satbir Singh, Naveen son of Rohtash, Satish son of Sh.Dhoop Singh and Vinod son of Dharampal for an amount of Rs.25 lakhs; that an amount of Rs.19 lakhs out of the settled amount and the documents were handed over to the accused but the accused neither arranged any jobs as promised nor returned the money, however, accused (petitioner) Ram Niwas had issued a cheque in the sum of Rs.19 lakhs to complainant on 24.4.2017 but on presentation, the cheque got bounced; that the accused rather threatened to kill the complainant. On the basis of that written complaint, formal FIR was registered. Accused were arrested in this case. The petitioner-accused had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Sonapat vide order dated 16.9.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner submits that the petitioner was not involved in any such scam, rather he is a fruit seller; that there is no question of his issuing a cheque in the sum of Rs.19 lakhs to

complainant, though the cheque had been given as a security to the complainant, who had been engaged as a commission agent; that the petitioner is in custody since long i.e. from 9.8.2017; that his co-accused Harish has since been granted bail, therefore, the said concession be given to him also.

Whereas, learned State counsel is vehemently opposing the request stating that petitioner played an active role in the scam and it was under his signatures, the cheque had been issued, which had bounced, therefore in case he is granted regular bail, there are fair chances of his absconding and trying to tamper with the prosecution evidence.

After hearing the rival contentions of the parties, I find that the allegations against the petitioner are indeed serious and giving allurements to innocent persons of finding Government jobs on payment of huge amount is such an act and conduct, which cannot be taken lightly, rather the petitioner needs to be dealt with sternly for cheating innocent persons of their hard earned money. The very fact that petitioner had issued a cheque in the sum of Rs.19 lakhs to the complainant corroborates the prosecution story. The version now put forward by him that it was just a security cheque seems to be an afterthought. Learned State counsel has submitted that it has come during the investigation that petitioner and his brothers had purchased properties with the ill-gotten wealth.

As regards, co-accused of the petitioner, he was granted bail for the reason that cheque in question had not been issued by him, whereas the present petitioner had actually issued that cheque. The apprehension expressed by the State counsel that if petitioner is granted

bail, there is every likelihood of his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly. Therefore, I do not find any reason to allow the petition.

Therefore, finding no merit in the petition, the same stands dismissed.

29.1.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No