

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

CRM-M No.37215 of 2018

Date of decision : 29.08.2018

Deepak

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. S. S. Bawa, Advocate for the petitioner.

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DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to petitioner Deepak in case FIR No.1003 dated 27.10.2017 under Section 406 of the Indian Penal Code, 1860 (for short – 'IPC') and also under Section 420 read with Section 34 IPC (which have been added later on), registered at Police Station Saran, Distt. Faridabad.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. As per the allegations in the complaint, the amount was paid to co-accused of the petitioner and not to the petitioner. Even no demand was raised by the petitioner. Learned counsel also submits that the petitioner even did not know the complainant and his family members. He came to know about the lodging of the FIR when the police official visited his house. Learned

counsel also submits that custodial interrogation of the petitioner is not required as all the documents are with the investigating agency and nothing is to be recovered from him.

Heard arguments of learned counsel for the petitioner and I have also perused the allegations in the FIR and other documents on the file.

As per the allegations in the FIR, the accused persons asked the complainant about the qualification of his son to provide him a job in the Railway department and raised a demand of ₹7,00,000/-. It has also been mentioned in the FIR that the petitioner has stated to be having good relation with the Railway Minister being his P.A. and he has been visiting the house of the Minister. Accused persons asked the complainant to pay an amount of ₹3,00,000/- and the same was paid to them. Offer of appointment and appointment letter were prepared by forging the documents. It was promised to give the appointment letter after payment of remaining amount of ₹4,00,000/-. It was also stated by all the accused persons that appointment letter would be sent at his address. Complainant party visited New Delhi Railway Station, Paharganj Railway Station and Adarsh Nagar, Delhi. The complainant and his son had to stay in hotels on various occasions and the expenditure for food, etc. was also spent by them on the asking of the accused persons. Instead of visiting time and again, neither any job was provided nor the money was returned. The petitioner and other accused persons have not disclosed to the investigating agency as to how the documents were forged and how an assurance was given to the

complainant to issue appointment letter. Not only the documents were forged but the amount was also received on false assurance. Specific allegations are there not only against the petitioner but against the other accused persons also. Initially, an amount of ₹3,00,000/- was paid to the accused persons and remaining amount of ₹4,00,000/- was to be paid after getting the appointment letter. It cannot be said that the petitioner has not played any role.

For grant of anticipatory bail, various factors are to be seen like gravity of the offence and the role played by the accused. It is settled preposition of law that the Court has to take into consideration the specific role as well as conduct of the accused while using such discretion and it is to be exercised on the basis of available material and the facts of a particular case. In case the accused joins investigation and cooperate with the investigating agency and that custodial interrogation is not required, in that event concession of bail can be granted. In the present case, the source of forging of documents and methodology of the crime was not disclosed by the accused persons and inspite of direction issued by the lower court, he did not disclose the method which was adopted and certain documents were not supplied.

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

29.08.2018

sunil yadav

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

**(DAYA CHAUDHARY)
JUDGE**