

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

**CRM-M No. 29556 of 2019  
Date of Decision:-19.07.2019**

Mukesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present:- Mr. Rakesh Gupta, Advocate  
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

**MANOJ BAJAJ J.(Oral)**

Petitioner Mukesh Kumar has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.135 dated 08.5.2019, under Sections 420, 406, 120-B and 506 IPC (Sections 467, 468 and 471 IPC added later on), registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar. The petitioner is in custody from the date of arrest on 20.6.2019.

The FIR was registered on the basis of a complaint No.1657 dated 13.3.2019, received in the office of Superintendent of Police, Yamuna Nagar. As per complainant, in the month of June 2018 he met his friend Bobby, who told him that peons are being employed in Government

Schools in Ambala under the name of MPW by a company of Gurugram, who are known to him and getting the people employed as peon after getting money. Thereafter, Bobby arranged a meeting of complainant and two other boys with co-accused Suresh son of Narata Ram , resident of Dussani and his two brothers Mukesh (petitioner) and Naresh Kumar. Co-accused Suresh Pal and others shown them the tender of the company of Gurugram, news paper cuttings and appointment letters of some persons and told that they would have to pay Rs.60,000/- per person. Thereafter on 28.6.2018 the complainant and two other boys accompanied by Bobby visited village Dussani and paid Rs.1,80,000/- (i.e. Rs.60,000/- each) to co-accused Suresh Pal and his brothers Mukesh and Naresh Kumar sons of Narata Ram. At that time Sunny Kumar son of Kanhaiya Lal resident of Ambala Cantt. was also present there. Apart from this, the accused also obtained their matriculation certificates, Aadhar Cards, photocopies of bank pass-books and also their signatures on printed forms with the assurance that the work would be done within a day or two. The accused also supplied them the joining letters. After few days they came to know through news papers that no vacancy of peon was there whereupon he told the accused that the alleged employment was bogus but the accused assured that their work would be done. After passing of about 7-8 months when complainant and others demanded their money back from the accused, they threatened them to kill.

Learned counsel for the petitioner contends that M/s Sushil & Company and M/s Jatin & Company had been allotted tenders by the

Government of Haryana for deployment of Multi Purpose Worker under the outsourcing policy. Petitioner had been authorized by the said companies to work on their behalf. As such, the company issued appointment letter dated 19.6.2018 for the post of Multi Purpose Worker to the complainant. Thereafter, the authorities concerned suspended the employment of Multi Purpose Worker under the outsourcing policy. Learned counsel submits that the petitioner had only worked as per guidelines fixed by the competent authority. Further there is no evidence of the complainant handing over the alleged amount of Rs.1,80,000/- to the accused/petitioner. Learned counsel for the petitioner also points out that during investigation Sections 467, 468 and 471 IPC were added subsequently. Learned counsel further contends that on the similar allegations, co-accused Suresh Pal has been granted concession of interim bail by this Court vide order dated 29.5.2019 passed in CRM-M-24935-2019 and co-accused Naresh has also been granted benefit of regular bail by the learned trial Court vide order dated 03.6.2019. Learned counsel further contends that the petitioner is in judicial custody since 20.6.2019 and he is no more required in the investigation.

On the other hand, learned State counsel, who is assisted by ASI Gian Singh, has opposed the prayer for grant of bail to the petitioner on the ground that the offence committed by the petitioner is serious in nature. However, he does not dispute the fact that the present case is at par with co-accused Suresh Pal, who has been granted concession of interim bail by this Court vide order dated 29.5.2019 passed in CRM-M-24935-2019 and co-accused Naresh Kumar, has been granted benefit of regular bail by the

learned trial Court vide order dated 03.6.2019.

Considering the above background of the case and the fact that trial will take considerable time and that the case of the petitioner is at par with co-accused Suresh Pal and Naresh Kumar (mentioned above), further detention of the petitioner is not justified. Resultantly, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Yamuna Nagar at Jagadhri.

The petition is allowed.

July 19, 2019  
Vijay Asija

( MANOJ BAJAJ )  
JUDGE

Whether speaking/reasoned  
Whether Reportable

Yes / No  
Yes / No