

206-A

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

CRM-M-51027-2019

Date of decision: 16.12.2019

Raj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana

Mr. Ajay Sharma, Advocate for the complainant

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure (for short 'the Cr.P.C.) for grant of anticipatory bail in case FIR No. 379 dated 16.10.2019 registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Pinjore, District Panchkula.

Reply by way of an affidavit of Ramesh Gulia, HPS, Assistant Commissioner of Police, Kalka has been filed today on behalf of State of Haryana which is taken on record. Copy supplied to learned Counsel for the petitioner.

Learned Counsel for the petitioner has argued that petitioner has been falsely implicated in the case. The petitioner was working as medicine supplier and used to supply medicines to the complainant who is running a clinic under the name of S.R. Clinic at Village Maddawala. The petitioner had not promised the complainant to provide any job and rather there were only business dealings between the

petitioner and complainant. The petitioner did not prepare or issue any fake appointment letters. No recovery is to be made from the petitioner. Custodial interrogation of the petitioner is not necessary. The petitioner is ready to join the investigation. Therefore, anticipatory bail may be granted to the petitioner.

On the other hand learned State Counsel assisted by learned Counsel for the complainant has submitted that the petitioner and her co-accused had cheated the complainant and dishonestly induced her to pay amount of Rs. 9.5 lakhs by fraudulently assuring her to get her son employed in the Health Department of the State of Punjab. There is video recording regarding payment of the amount to the petitioner. Custodial interrogation of the petitioner is necessary for recovery of the amount and for disclosure of requisite details regarding the modus operandi, equipments used for issuance of fake appointment letters and other persons cheated. The petitioner does not deserve anticipatory bail. Therefore, the same may be dismissed.

The Courts have been granted power to grant anticipatory bail to protect against motivated criminal litigation instituted at the instance of unscrupulous litigants animated by malice or political vendetta. Grant of anticipatory bail is an extra-ordinary remedy and is not, therefore, intended to be granted in every case. Number of factors including nature and gravity of the offences, quantum of sentence, likelihood of the accused absconding, intimidating or influencing the witnesses or tempering with the evidence or committing similar offences have to be taken into consideration. Socio-economic offences constitute a class apart and need to be visited with different approach in

matter of bail. Since socio-economic offences have deep rooted conspiracies affecting the moral fibre of society and causing irreparable harm, the same have to be viewed seriously. Reference in this regard may be made to *State of Bihar and another Vs. Amit Kumar @ Bachaha Rai : 2017 (13) SCC 751* and *Rohit Tandon Vs. Directorate of Enforcement : 2018(11) SCC 46*.

Keeping in view the facts and circumstances of the present case which require that thorough investigation be made in the case to unearth the fraud involving fraudulent representation regarding appointment in Health Department, Punjab and issuance of fake appointment letters and also the fact that custodial interrogation of the petitioner is necessary for recovery of the amount and also for disclosure regarding other persons involved in cheating who printed and issued fake appointment letters, the equipments used and number of persons cheated, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition is dismissed.

16.12.2019

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No