

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 21.05.2019

1. CRM-M-25895-2018 (O&M)

Keshawa Narayan Ditya

....Petitioner

Versus

U.T. Chandigarh

....Respondent

2. CRM-M-34373-2018 (O&M)

Krishan Kumar Rai

....Petitioner

Versus

U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohit Garg, Advocate
for the petitioner (in CRM-M-25895-2018).

None for the petitioner (in CRM-M-34373-2018).

Mr. Amit Kumar Goyal, APP, U.T. Chandigarh.

Ms. Aashna Gill, Advocate
for the applicant-complainant.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-43152-2019 in CRM-M-25895-2018

Prayer in this application is for impleading the applicants-victims as respondents No.2 to 6 in the main petition.

Notice of this application has already been issued.

For the reasons stated in the application, which is duly supported by an affidavit, same is allowed and applicants-victims Vir Singh, Sangam Jha, Munish Kumar, Umakant and Gajinder Kumar are impleaded as respondents No.2 to 6 respectively. Amended memo of parties dated 07.09.2018 is taken on record. Registry is directed to tag the same at the appropriate place of the paper book.

CRM stands disposed of.

CRM-M-25895 & 34373-2018

Prayer in both these petitions is for grant of anticipatory bail in FIR No.234 dated 15.11.2017 under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Maloya, U.T. Chandigarh.

Brief facts of the case are that complainant Vir Singh got the FIR registered with the allegations that petitioners Keshawa Narayan Ditya and Krishan Kumar Rai along with co-accused Arun Kumar Ditya and Girja Ditya have committed fraud with him, in conspiracy with each other and have embezzled the money of the complainant and other victims on the pretext of providing them govt. job. The FIR gives long details of the amount given by the complainant and other victims from time to time to the petitioners specifying the date and time, when the amount was given to the petitioners or was deposited in their accounts. It is also mentioned in the

FIR that accused promised to provide job in Indian Railways and on that account, they forged certain documents for conducting medical examination of the complainant and other victims and even they were called at different places like Bhubneshwar in Orissa. It is further stated that the accused persons from time to time forged the documents, which were meant for providing jobs and after taking the huge amount from the complainant and other victims, they have mis-utilized the amount.

While issuing notice of motion on 14.06.2018, petitioner Keshawa Narayan Ditya was directed to join the investigation. According to the petitioner, he has joined the investigation, however, learned counsel for U.T. Chandigarh has disputed this fact and the case was adjourned for the purpose of filing affidavit of the Investigating Officer if the petitioners are involved in any other case.

It is worth noticing here that petitioner Krishan Kumar Rai, despite grant of interim anticipatory bail, has never joined the investigation.

Learned counsel for the petitioner(s) has argued that there are no direct allegations against the petitioners, as it is case of the prosecution that co-accused Arun Kumar Ditya was known to complainant Vir Singh and he has made the payment to Arun Kumar Ditya. It is further submitted that Arun Kumar Ditya was arrested by the police on 06.12.2017 and later on, he was granted regular bail.

In reply, learned State counsel, on the basis of affidavit of SHO, Police Station Maloya, has submitted that complainant Vir Singh has stated in the FIR that he met with Keshawa Narayan Ditya through Arun

Kumar Ditya, who assured that his maternal uncle can provide job in the Indian Railways and thereafter, the complainant gave an amount of Rs.3.50 lacs, upon which a fake call letter of North Western Railways was given to him and he was called for medical examination, a document, which was also found to be forged. The complainant, when asked for his money, a cheque for Rs.2.35 lacs was given and the same was dishonoured. It is further stated in the affidavit that against the accused persons, three more cases are filed by Umakant, Munish Kumar, Gajinder Kumar and Sangam Jha, as the petitioners and other accused have cheated the victims-respondents No.3 to 6 to the tune of Rs.16.00 lacs as well and therefore, custodial interrogation of the petitioners is required in order to recover the fake documents.

Learned counsel for the complainants-respondents No.2 to 6 has also argued that the petitioners have duped five complainants of more than Rs.16.00 lacs by hatching a conspiracy, to part away their money for providing employment in the Indian Railways and have given them fake appointment letters, called letters and medical certificates, in conspiracy with each other. It is further submitted that the accused persons are running a racket and are involved in number of cases. Complainants Vir Singh and Umakant were called for medical test to Jaipur by issuing a call letter (Annexure R-1) and they deposited an amount of Rs.1.50 lacs in the account of petitioner Krishan Kumar Rai (Annexure R-2), fake document verification letters and letters of posting (Annexures R-3 & R-4) were issued and the complete details of the payment made by the complainant through bank transactions is (Annexure R-5). These documents are attached

with the reply on behalf of complainant and other victims-respondents No.2 to 6.

After hearing learned counsel for the parties, I find no ground to grant anticipatory bail to the petitioners.

The complainants have relied upon number of fake documents, which on verification, were found to be fabricated by the petitioners in order to cheat them. The complainants have given the details of bank transactions, vide which amount was paid to the accused persons.

Considering the fact that accused persons, in conspiracy with each other, have allured the complainant and other victims to part away their amount and have handed over them fake documents like appointment letter, verification letter, medical certificate and have failed to repay the amount, as the cheques issued by them were bounced and also in view of the fact that they are involved in number of cases, I find that it is a fit case, where custodial interrogation of the petitioners is required.

Accordingly, both these petitions are dismissed.

21.05.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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