

CRM-M-2705-2020 (O&M)

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

**CRM-M-2705-2020 (O&M)
Decided on: February 07, 2020.**

Vinod Kumar

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Namit Khurana, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

**Mr.Subhash Rana, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'the Cr.P.C.') praying for grant of anticipatory bail in FIR No.1 dated 1.1.2020, under Sections 406 and 420 149 IPC, registered at Police Station Mansa Devi Complex, District Panchkula.

Learned counsel for the petitioner has submitted that the petitioner has been wrongly roped in, in the present FIR and the FIR is vague. There is no mention as to whether for what type of job and at what

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point of time, the petitioner has taken money of Rs.8 lac from the complainant. He has further submitted that rather vide Annexure P3, a civil suit has been filed by the petitioner against the complainant and his brother praying for mandatory injunction directing them to hand over the blank signed papers of the plaintiff and further directing the plaintiff not to misused the same. Learned counsel has further referred to Annexure P4, vide which a complaint was also filed to the police in this regard. He has further submitted that even approximately the amount of Rs.8 lac was given by the complainant to the petitioner but the case of the complainant is that the petitioner has returned only Rs.50,000/- which is improbable because the amount of Rs.50,000/- was deposited by way of installments of Rs.15,000/-, Rs.16,500/-, Rs.5,000/- and some more amount on different occasions.

Notice of motion was issued in this case on 22.1.2020 and at the time of issuance of notice, learned counsel for the petitioner was asked as to whether the amount of Rs.50,000/- was transferred in the Google pay account of the petitioner or not and he had not only stated but reiterated that no amount of Rs.50,000/- was transferred in the Google pay account of the petitioner. Order dated 22.1.2020, is reproduced as under:-

“Learned counsel for the petitioner has inter alia contended that false case has been registered against the petitioner at the behest of real brother of the complainant who is working in the office of ACP, Panchkula. Learned counsel for the petitioner has submitted that petitioner had faced complaint against

him pertaining to Section 138 of the Negotiable Instruments Act in which he was acquitted. The allegation contained in the FIR that an amount of Rs.50,000/- was transferred in the google pay account of the present petitioner by the complainant is totally false. On being pointedly asked again with regard to the same, learned counsel for the petitioner has again reiterated that no amount of Rs. 50,000/- was transferred in the google pay account of the petitioner. Therefore, allegation contained in the FIR is totally false.

Notice of motion for 29.01.2020.”

Today, the learned State counsel, on instructions from ASI Bhim Singh, has stated that they have verified the fact as to whether Rs.50,000/- were transferred in the Google pay account of the petitioner or not and according to their verification, this amount was, in fact, transferred in the name of the petitioner and therefore, according to the learned State counsel, the statement which was made on 22.1.2020, in this Court, on the basis of which, notice of motion was issued, was totally wrong and therefore, the petitioner deserves no concession from this Court. Learned State counsel, on instructions, has further submitted that this is not the isolated case where the petitioner has been booked for such kind of offence, but there are other similar kind of cases also. He has further submitted that even after the lodging of present FIR, a fresh FIR has also come from another person namely Manoj Kumar vide complaint No.9 dated, alleging similar kind of allegations that the petitioner has taken money on the pretext

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of getting job for the complainant of the aforesaid complaint. He has further submitted that the petitioner is habitual with regard to such kind of job scam episodes because on earlier occasions and now in a fresh complaint which has been received in this regard, similar nature of offence is being committed. Learned State counsel therefore, prays that the present case is a fit case in which custodial interrogation of the petitioner is required so that the proper investigation can be conducted because this, according to the learned State counsel, is an offence relating to public at large.

Learned counsel for the petitioner has also submitted that the other case referred to by the learned State counsel pertain to Section 138 of the Negotiable Instruments Act.

I have heard the learned counsel for the parties and have also perused the record. On 22.1.2020, the learned counsel for the petitioner, on instructions, has made statement that Rs.50,000/- were never transferred in his Google pay account and further reiterated the same when pointedly asked by the Court. Now, the same has been proved to be false and the learned counsel for the petitioner has also stated that it is correct that a sum of Rs.50,000/- was transferred but he has tried to justify his statement before the Court with regard to the amount of Rs.50,000/- by stating that said amount was paid by way of Google pay transfer in installments and was not paid in lump sum as such, his statement cannot be said to be a wrong statement.

Be that as it may, even otherwise, another case of similar nature is also pending against the petitioner and even a fresh complaint was

received by the police after registration of the present FIR which pertains to similar kind of allegations although by different person. The allegations in the present case pertain to job scam and therefore, large public interest is involved in the present case.

In view of above, considering the totality of the circumstances of the present case, I do not find it a fit case to grant the concession of anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

February 07, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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