

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

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**CRM-M-12356-2020
Date of decision : 14.05.2020**

Parveen Nain @ Rohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Anmol Malik, D.A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.81 dated 22.01.2017 registered under Sections 420, 467, 468, 471 and 506 read with Section 120-B of the Indian Penal Code, 1860 at Police Station City Karnal, District Karnal.

The above-said FIR was registered on written complaint submitted by Karambir for taking of action against the petitioner and his co-accused Shamsher Singh, Gurdeep Singh and Nishant on the allegations that his friend Karambir had introduced him to accused-Shamsher Singh and Gurdeep Singh who cheated him by fraudulently assuring to get employment in FCI Department on payment of amount of Rs.1,00,000/- before getting roll number and Rs.2,00,000/- later on. He paid amount of Rs.1,00,000/- to them on showing of his roll number in Amrit Dhara Hospital, Chora Bazar, Karnal. He also paid amount of Rs.1,50,000/- to them there after 8-10 days. Subsequently, he deposited amount of Rs.50,000/- on 10.03.2016 in the account of accused-Gurdeep Singh. After some days accused-Shamsher Singh and Gurdeep

Singh told him that he has been selected in FCI Department, Allahabad, Uttar Pradesh on which on 15.03.2018 he along with his brother Lakhmi Chand and brother-in-law Vinesh Puria went to Delhi where accused-Shamsher Singh and Gurdeep Singh introduced them to accused-Nishant and the petitioner saying that accused-Gurdeep Singh and the petitioner will accompany them to Allahabad for his joining. They along with accused-Gurdeep Singh and the petitioner boarded train for Allahabad and the next morning reached Fatehpur Station instead of Allahabad where they went to Shiv hotel as the interview was to be conducted in the afternoon. In the afternoon, accused-Gurdeep Singh and the petitioner told him that the person who was to appoint him had gone to Bangalore saying that they would have to stay there for two-three days. After two days when he asked accused-Gurdeep Singh and the petitioner for his joining they left him without informing him. When he tried to contact the accused, they avoided. Subsequently, accused No.2 gave cheque dated 05.11.2016 for amount of Rs.1,30,000/- to him which was dishonoured. When he demanded return of his money, the accused threatened to kill him.

The petitioner being in custody since his arrest on 04.02.2020 has filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State Counsel who has opposed the petition.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The petitioner did not make any fraudulent representation to the complainant and did not receive any amount from him and the petitioner is merely alleged to have accompanied the complainant for his joining which does not constitute any offence. The petitioner did not forge any documents and was not beneficiary of any monetary transaction. Complainant-Karambir is not coming forward for his examination in the case and non-bailable warrant of arrest has been issued against him vide order dated 19.12.2019. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during

trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner along with his co-accused cheated the complainant and committed heinous offences. The petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

In the present case, co-accused Shamsheer Singh and Gurdeep Singh are alleged to have made the fraudulent assurance to the complainant of getting employment for him in FCI and to have received the amount from him. Involvement of the petitioner in the crime is disputed on the ground that he is merely alleged to have accompanied the complainant for his joining on asking of his co-accused and did not make any fraudulent representation and did not receive any amount from the complainant and his case stands on different footing. The question as to involvement of the petitioner in commission of the subject offences is to be decided on the basis of the evidence to be produced during trial. Due to pandemic of Covid-19 trial is likely to take long time. Keeping in view the facts and circumstances of the case particularly the specific allegations against the petitioner but without meaning to comment on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.05.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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