

Parbhat Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Nipun Vashist, Advocate
for the petitioner

Mr. Saurabh Mohunta, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 71 dated 19.04.2019 registered under Sections 34, 406 and 420 IPC (Sections 467, 468 and 471 IPC added later on) at Police Station Rewari Sadar, District Rewari, Haryana.

According to the contents of the FIR, the complainant was informed by his friend that his son had cleared the physical and medical test for joining Army and that one Virender son of Jaswant Singh and his father Jaswant Singh had helped him to get his son enrolled by paying money. His friend Shiv took him to Virender, who informed the complainant that he has got a large number of boys enrolled in the Army. Virender stated that a sum of Rs. 4 lacs would be required for getting the son of the complainant enrolled and that the amount can be paid in installments after paying an initial amount of Rs. 2 lacs. The complainant was taken in by the sweet talk of Virender son of Jaswant Singh and paid him the initial amount of Rs. 2 lacs. He even got another boy to pay Rs. 2 lacs. The boys were sent to Samastipur in Bihar where the petitioner met them. He demanded more money for ensuring that the boys passed their medical test and a further sum of Rs.

on a number of occasions but enrollment could not be arranged. A further sum of Rs. 2 lacs was also paid without any benefit. Neither job could be provided nor money was returned and, thus, the FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been in custody since 22.02.2020. The trial is not likely to be concluded at an early date as charges have not yet been framed. Co-accused Virender has been granted regular bail by the trial Court vide order dated 06.11.2019 (Annexure P-2) and perusal of the said order reveals that according to the State, said Virender is the main accused. The trial is by the Magistrate and keeping in view the custody period as well as the stage of the trial, the petitioner deserves to be granted regular bail.

Learned State counsel opposes the prayer. He has read order dated 24.06.2020 passed by the trial Court rejecting the bail of the petitioner, in extenso and has argued that Virender was having contacts in Haryana whereas the petitioner was the main accused involved at Bihar end. He was the one who met the candidates at Samastipur and took them back and forth to Ranchi. The candidates were asked to come to Ranchi and Samastipur a number of times and it was at the asking of the petitioner that more money was paid by the complainant. The investigation carried out till date reveals that the petitioner was the true master mind with contacts in Haryana and, thus, observation in order dated 06.11.2019 (Annexure P-2) that Virender was the king pin can not be taken as a gospel truth. A serious offence has been committed and the petitioner does not deserve regular bail.

From a perusal of the FIR, order dated 24.06.2020 passed by the trial Court rejecting the bail of the petitioner as well as order dated 06.11.2019 (Annexure P-2) passed in the case of co-accused Virender, it becomes clear that an organized gang is operating. It dupes gullible citizens with the promise of getting

their sons enrolled and fleeces them of their hard earned money. The material available on the record indicates that the petitioner is the moving force in the gang. He has met the boys sent to Bihar and has interacted with their family members. Instructions for their various activities in Bihar have also been given by him and additional money has been paid on his demand. Thus, it is incorrect to argue that the petitioner is not the main accused and grant of bail to Virender (main accused), would entitle the petitioner to a similar concession.

It is true that the trial is to be conducted by a Magistrate and that the same is not likely to be concluded at an early date as charges have not been framed but delay in conclusion of the trial can never be the conclusive factor for grant of bail and gravity of the offence and the part played therein by an accused also has to be kept in mind. Moreover, the petitioner has been in custody for just about 5 months. In view of the aforementioned over all facts and circumstances he does not deserve to be granted regular bail.

The petition is, accordingly, dismissed.

July 23, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No