

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

Sr. No.101

CRM-M-18427-2020
Date of decision : 23.7.2020

Rajinder Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Mamli, Advocate, for the petitioner.

Mr. Amit Choudhary, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No. 193 dated 28.5.2019, registered at Police Station Sadar Fatehabad, District Fatehabad, under Sections 406, 420 IPC.

According to the FIR, the petitioner took a sum of Rs.35,00,000/- in all from seven different persons allegedly for getting them employed in the electricity department. The jobs could not be provided and therefore, the complainant and the others, who had paid money, demanded refund. A panchayat was convened and the petitioner issued three cheques totaling Rs.21,00,000/-, but the same were dishonoured. Thereafter, the present FIR was got registered.

Learned counsel for the petitioner submits that in fact, the dispute is a civil dispute. The petitioner took money from some residents of the village for executing a job. The job could not be done on account of certain reasons and the FIR has been registered by concocting facts. This is evident from the fact that there is a long delay in registration of the FIR. The money was allegedly taken in the year 2016, cheques were issued in the year 2017 and the FIR has been registered on 28.5.2019. Moreover, there is no proof of the complainants or their wards ever having applied for job. Thus, it is a case of

At this stage, Mr. Amit Choudhary, Advocate, puts in appearance on behalf of the complainants and submits the delay in registration of the FIR is on account of the fact that the Economic Offences Wing registered the same only after conducting an enquiry. There is nothing on record to indicate that money was paid for a different purpose, i.e. execution of a work in the village. On the contrary, there is an audio recording available with the police, wherein, the petitioner has admitted the factum of receiving money for providing jobs.

Having heard learned counsel for the parties and having perused the record, I do not see any ground to grant discretionary relief of anticipatory bail. Allegations in the FIR are serious. The fact that the petitioner issued three cheques in the year 2017 is ample proof of the complainant having paid money to the petitioner. Whether, the money was paid for getting jobs or for some other purpose is a matter of evidence and shall be seen at the time of trial. At this stage, the Court is to go by the allegations made in the FIR and the prima facie evidence collected by the investigating agency. Prima facie, the allegations made in the FIR appear to be genuine as the same was registered only after conducting an enquiry. The defence of the petitioner that the money was taken for some other purpose cannot be gone into for granting the discretionary relief of anticipatory bail. A serious offence has been committed for which custodial interrogation is necessary.

The petition is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

23.7.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No