

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-27903 of 2020 (O&M)
Date of decision : November 17, 2020

Dharminder Kumar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rajesh Gupta, Advocate, for the petitioner
Ms. Harsh Rekha Kapoor, AAG, Haryana
Ms. Kiran Bala Jain, Advocate, for the complainants

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The allegations against petitioner Dharminder Kumar popularly called Pradhan have been levelled by 13 complainants resident of his village. As per these allegations, the Government had sent money for building of toilets in the dwelling units of the complainants under the scheme of Haryana Government which was

deposited in their accounts. The accused-petitioner under the garb of getting work done fraudulently obtained thumb impression of the complainants on a machine and thereafter withdrew the money so deposited in the accounts of 13 complainants.

Learned counsel for the petitioner inter-alia contends that there is no semblance of evidence against the petitioner to connect with the commission of the offence. It is averred that the money has been withdrawn by the complainants on their own and therefore, nothing is to be recovered from the petitioner.

Learned State counsel has strongly opposed the bail on the grounds that being illiterate persons, the complainants have been defrauded by the petitioner by fraudulently obtaining their thumb impressions and withdrew the money from their accounts.

Appreciating the submissions, it is well writ large in the evidence that the State had dolled out Rs 25,000/- to each of the complainants who were living below poverty line to facilitate construction of toilets. The petitioner managed to win over their confidence and obtained their thumb impressions on a machine and thus managed to withdraw Rs 17,000/- from each of the accounts of the complainants. As has been contended by the State, there are other accused involved with the petitioner and the investigations are

at crucial stage. Keeping in view such a serious fraud and cheating by the petitioner, his custodial interrogation is very much essential to know the whereabouts of his co-accused for recovery of the machine as well as for comprehensive investigations. Moreover, the provisions of Section 438 Cr.P.C. are to be sparingly used. Finding no merit, the present petition stands dismissed.

November 17, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No