

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38350 of 2020
Date of Decision 24.11.2020

Vedpal

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Yashveer Kharb, Advocate, for the petitioner.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

The petitioner prays for a regular bail under Section 439 of the Code of Criminal Procedure in FIR No.175 dated 07.08.2020, under Sections 419/420/467/468/471 of the Indian Penal Code, registered at Police Station HSIIDC, Barhi, District Sonapat.

As per the prosecution version, around year and a half ago, petitioner (Vedpal), who is a resident of the same village as the complainant, had introduced co-accused-Shyam Lal to Sadeek, (complainant), as an employee of ADC office, Sonapat. The complainant was told that Shyam Lal had come to survey the houses of people who were below poverty line, under Prime Minister Residential Project Scheme. And, in case he would pay Rs.20,000/- to Shyam Lal, as bribe, in return, a sum of Rs.2,50,000/- would be credited in his bank account for a new house. Resultantly, the complainant gave Rs.20,000/- to Shyam Lal through Vedpal. Again, after a few days, on the assurance that son of the complainant, namely Sonu, shall be employed as Peon in the ADC office, the complainant gave Rs. 20,000/- more to Shyam Lal. Whereafter, even for getting his daughter in law

employed as Anganwari worker, a demand of Rs.15,000/- was raised, and the complainant gave Rs.10,000/- in cash to Shyam Lal and Rs. 5,000/- was transferred in his bank account. However, neither any amount was provided to the complainant for the new house, nor could Shyam Lal, arrange to have son and daughter-in-law of the complainant employed anywhere.

Learned counsel for the petitioner submits that the petitioner runs a photo studio at village Kheri Taga, Gannaur. In fact, co-accused Shyam Lal approached the petitioner, and introduced himself as government employee. He required the petitioner to assist him find out needy people in the village, who wanted to apply under government schemes. And, for he was a government employee, he would help those people and asked the petitioner to click photos of those applicants, which were required to be pasted on the application forms. He submits that even as per the prosecution version, the complainant had given Rs.55,000/- ,i.e. Rs.20,000 each on two different occasions and later Rs.15,000/-, to Shyam Lal. The petitioner is not said to have received any consideration or money from the complainant. Further, a bare analysis of the disclosure statement of Shyam Lal, recorded on 9.8.2020, would show that he alone duped the complainant. He admitted in the disclosure statement that he used to extract money by defrauding people on the pretext of getting them employed by preparing fake interview letters. He submits that petitioner is in custody since 9.8.2020. The challan has already been presented on 30.9.2020, whereas the charges are yet to be framed. And, since the prosecution intend to examine 32 witnesses, for sure, trial would take long to conclude. Thus, he asserts that to keep the petitioner in incarceration for any further period would not serve any purpose.

Notice.

AMIT KUMAR
2020.11.26 10:41
I attest to the accuracy and
authenticity of this document

Mr. Kanwar Sanjiv Kumar, AAG, Haryana, accepts notice, and submits that there are serious allegations against the petitioner, for he, along with co-accused, duped the complainant and is involved in creating fake documents. Further, a recovery of Rs.4,300/- was effected from the petitioner.

To this, learned counsel for the petitioner submits that there is no allegation against the petitioner for having forged any document. Likewise, nothing exists on record to show that out of the amount given by the complainant to co-accused (Shyam Lal), he parted Rs.4,300/- with the petitioner.

In the wake of the above, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Needless to assert that this order or any observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

(ARUN PALLI)
JUDGE

November 24, 2020
AK Sharma

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