

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

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CRM-M-42480-2020 (O&M)

Date of decision : 22.12.2020.

Narender Singh Rathor

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vibhu Anshuman, Advocate for
Mr. Raghav Sharma, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Karan Nehra and Mr. Sandeep Kotra, Advocates
for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.0279 dated 10.08.2020 under Sections 120-B, 406, 420, 506, 370 of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Jind Sadar, District Jind.

The case as set up is that the FIR has been registered on the complaint of one Tejpal Kumar to the effect that in November 2018, the complainant met the co-accused Sumit Kumar who assured him that he would provide him with a job abroad. The complainant is also alleged to have met Ajay Singh co-accused in January 2019 and he also assured that his brother co-accused Sumit Kumar would make all efforts to get him a job abroad. It is further the allegation that co-accused Sumit Kumar told the complainant that if he wished to go abroad then he should contact the

Manager of IHS Markit Company. After the complainant had given his

consent to both the accused i.e Sumit Kumar and Ajay Singh, they asked for Rs.20 lakhs for doing the job. Thereafter, all necessary documents, passport etc. were given by the complainant to IHS Markit Company through Sumit Kumar and Ajay Singh and in June 2019 the co-accused Sumit Kumar met the complainant and told him that the company had confirmed the receipt of the documents and asked him to arrange the money at the earliest. It is further the allegation that in August 2019, Sumit Kumar called the complainant on Whatsapp and asked him to deposit an amount of Rs.12 lakh in the account of the Company but the complainant showed his inability to deposit such a huge amount in one installment. The co-accused thereafter threatened the complainant that the documents of the complainant were deposited in the Company and the company could recover the said amount in a legal manner. Thereafter the complainant enquired about the time which would be consumed for providing the job after the money was given. It is further the allegation that the co-accused Sumit Kumar informed him that if he deposited the amount of Rs.12 lakh in cash the company would provide him a job within a period of one month. Thereafter, an amount of Rs.12 lakh is stated to have been given in 2019 to Ajay Singh and the petitioner herein, Narender Singh Rathor, but no receipt was issued. Thereafter, visa was got arranged by all the accused for the complainant for travel to the Netherlands. The complainant left for the Netherlands on 10.09.2019. However, he was detained by the Immigration Department on landing at the Airport and was sent back to India after verification. When the complainant asked for his money back, the same was not returned.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. Learned counsel would further contend that Dhruv Gautam, whose name has cropped up in the FIR in the present case, was in talks with the uncle of wife of Sumit i.e. Renu Malik, which has been appended as Annexure P-7, to show that there is some co-relation between the two cases and that the petitioner has falsely been implicated.

Learned State counsel, on instructions from SI Ram Mehar, has stated that the petitioner in the present case though in custody has not been co-operating and has been making different disclosure statements during interrogation. She has further pointed out that the other two accused i.e. the sons of the petitioner are at large and are yet to be arrested and that if the petitioner is released his two sons would never be apprehended.

Mr. Karan Nehra, Advocate, who has put in appearance on behalf of the complainant, has stated that there is enough evidence to show that an amount of Rs.20 lakhs was transferred to the accused for providing a job to the complainant. In fact, the complainant was sent to the Netherlands where he was detained by the Immigration Department on landing and was thereafter sent back to India.

I have heard the learned counsel for the parties.

The allegation against the accused in the present case is that they had taken an amount of Rs.20 lakhs for providing a job abroad to the complainant. The complainant was also provided with a visa for the Netherlands. However, on landing in the Netherlands the complainant

was detained by the Immigration Department as there was no

confirmation of his job. The argument raised by learned counsel for the petitioner where he has tried to show that there is some co-relation of Dhruv Gautam, who was in talks with the uncle of one of the co-accused's wife and the present complainant, is neither here nor there. There is nothing on the record to show any enmity between the complainant and the accused and there is no cogent reason forthcoming as to why the accused would have falsely been implicated by the complainant in the present case. Further, the learned State counsel has pointed out that the petitioner is not co-operating in the present case and infact has been making different disclosure statements from time to time. The fact that the other two co-accused i.e. the sons of the petitioner are abroad and in case the present petitioner is let out on bail, the two sons would never return to India and would never be apprehended is also a factor argued by the State for not granting bail to the petitioner.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner.

Dismissed. Any pending applications also stand disposed off.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

December 22, 2020

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NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No

(ALKA SARIN)
JUDGE