

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41725 of 2019
Date of decision:07.02.2020

Pardeep Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Khatkar, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

SUVIR SEHGAL, J.

The present petition has been filed by Pardeep Kumar son of Balwan Singh for grant of anticipatory bail in case FIR No.1667 dated 28.08.2019, under Sections 120-B, 419, 420, 467, 468, 471 and 506 of Indian Penal Code, 1860, registered at Police Station Shivaji Nagar, Gurugram.

On the complaint of Abhimanyu son of Arjun Singh, the above FIR was registered against Satender Chandna @ Jitender Chandna on the allegation that he demanded money on a false promise of getting him a job on the regular basis as Peon in the Gurugram Courts. Someone claiming himself to be a Clerk in Gurugram Court called from a mobile and asked the complainant to transfer a sum of ₹860/- in Account No.38595989399 at SBI Narnaul, otherwise his application for post of Peon will be cancelled. The complainant deposited the said amount. The complainant received another telephonic call on 27.08.2019 assuring him of appointment on regular basis.

The complainant went to Gurugram Court on 28.08.2019 with his father for interview, they were informed that no fee was to be deposited. Telephone calls were exchanged between the complainant and the said person. The complainant was informed that one person will come to him to collect the amount for the appointment. When that person came, the complainant and his father apprehended him and handed over to the police. The said person was Satender Chandna son of Mansa Ram Chandna. On the above complaint, the said FIR has been registered.

Counsel for the petitioner has submitted that petitioner is not named in the FIR nor is he associated with the alleged offence. He further submitted that accused Chandna is not known to him. According to the counsel, name of the petitioner surfaced during the disclosure statement of the alleged co-accused which was recorded in police custody.

Counsel for the State upon instructions from ASI Balraj Singh has opposed the petition on the ground that Chandna, who was named in the FIR, in his statement, had specifically stated that he had gone to the Court Complex to take money from the complainant on the asking of the petitioner. Still further, it was submitted that petitioner was found to be involved in other cases also and reference in this connection has been made to the status report filed by the State by way of an affidavit dated 18.01.2020 of the Assistant Commissioner of Police, City Gurugram.

Rival submissions of the parties have been considered. Chandna had approached the complainant, Abhimanyu, demanding money. He was apprehended on the spot and handed over to the police. In his

statement before the police, he had disclosed that he had gone to the Court Complex on the asking of his friend, Pardeep Kumar, the present petitioner to collect ₹20,000/- from the complainant for the post of Peon. He had further disclosed that Pardeep Kumar had promised him a sum of ₹5,000/- out of the said amount.

A perusal of the status report filed by the State shows that Chandna was taken to the house of the petitioner but the petitioner could not be apprehended. Even non-bailable warrants were issued on 30.11.2019 by the Judicial Magistrate Ist Class, Gurugram for his arrest. Reference has also been made to three other FIRs in which the petitioner is involved, details of which are as under:-

“1. FIR No.152 dated 10.09.2015 under Sections 406/420/384/171/120-B IPC P.S. Rajound, District Kaithal: The trial in this matter is pending in the Court of Ms. Madhulika, learned CJM, Kaithal and is fixed for 26.02.2020 for prosecution evidence.

2. FIR No.200 dated 01.08.2017 under Sections 379-A/171 IPC P.S. Narwana Sadar District Jind: The trial in this matter is pending in the Court of Ms. Gurvinder Kaur, learned ASJ, Jind and is fixed on 28.01.2020 for prosecution evidence.

3. FIR No.500 dated 01.08.2015 under Sections 171/420/399/402 IPC and 25/54/59 Arms Act, P.S.Sadar, Rohtak: The petitioner has been acquitted in this case on

17.01.2018 by the Court of learned ASJ, Rohtak.

From the above, it is clear that possibility of the petitioner being a mastermind cannot be ruled out. The petitioner has a criminal background. The concession of anticipatory bail is not meant for a person with criminal antecedents.

The petition is dismissed.

It is made clear that nothing mentioned hereinabove, shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

February 07, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No