

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

CRM-M-50775-2019 (O & M)
Date of decision: 03.09.2020

LAKHVIR SINGHPetitioner

Versus

STATE OF U.T. CHANDIGARHRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Karan Vir Nanda, Advocate
for the petitioner.

Mr. Rajiv Anand, Addl. Public Prosecutor, U.T. Chandigarh
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-6787-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for addition of Sections 467, 468 and 120-B of the Indian Penal Code, 1860 (for short 'the IPC') in the Head Note and Prayer Clause of the present petition.

For the reasons mentioned in the application, the same is allowed and Sections 467, 468 and 120-B of the IPC are allowed to be added in the Head Note and Prayer Clause of the petition.

Registry is directed to make necessary additions in the head note and prayer clause of the petition.

CRM-M-50775-2019

The petitioner has filed the present (first) petition under Section 438 of the Cr.P.C. for grant of anticipatory bail in case FIR No.310 dated 03.10.2019 registered at Police Station Sector 17, Chandigarh under Section 420 of the IPC to which Sections 467, 468 and 120-B of the IPC were added later on.

The above said FIR was registered on written complaint of Mudit Gupta made to Senior Superintendent of Police, Chandigarh. In his complaint, Mudit Gupta alleged that he saw advertisement posted on facebook by accused Beant Singh regarding arranging jobs for the unemployed on which he talked to him who told that he would arrange job in the railways and demanded amount of Rs. 7 Lakhs, Rs. 5 Lakhs and Rs. 2 Lakhs for Grade B, Grade C and Grade D posts. He talked to him regarding his employment on Grade D post for which he demanded amount of Rs. 1 Lakh in advance. He paid amount of Rs. 1 Lakh to Beant Singh after 2 days in Sector 17 Chandigarh in the presence of his aunt Santosh Gupta. On that date Beant Singh had called 8 other persons. One more person (later identified as the petitioner) came to accused Beant Singh who was addressed by accused Beant Singh as Lakhvir Singh. Beant Singh and Lakhvir Singh talked with each other. After some time Beant Singh took them to restaurant where amount of Rs. 18 Lakhs was handed over to Beant Singh by other persons and Beant Singh told them that Lakhvir Singh will get the jobs arranged. After a few days, Beant Singh demanded some more amount which was paid to him. Part of the amount was also deposited in the account of Harmanjit Kaur wife of Lakhvir Singh. Amount of Rs. 3.5 Lakhs was given to Sandeep Kaur wife of Beant Singh in Sector 17 in the presence of his aunt Santosh Gupta and 2 other persons. Appointment letters were given to them and they were asked to join in accordance with the same but they came to know that the appointment letters were fake. Accused Beant Singh in conspiracy with his wife Sandeep Kaur, Lakhvir Singh and his wife Haramanjit Kaur had cheated and thereby taken an amount of Rs. 4 Lakhs from Gurdev Singh, Rs. 4 Lakhs from Rakesh Sharma, Rs. 4.5 Lakhs from Vandana Bansal, Rs. 4.5 Lakhs from Nitish Sharma, Rs. 3.5 Lakhs from Gaurav Sharma, Rs. 5 Lakhs from Daljit Singh, Rs. 5 Lakhs from Arshdeep Kaur, Rs. 3.5 Lakhs from Raman Kumar and Rs. 2 Lakhs from him. Accused Beant Singh was arrested on 03.10.2019 and challan was presented against him.

Apprehending his arrest, the petitioner has filed the present petition for grant of anticipatory bail.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The petitioner had borrowed an amount of Rs. 30,000/- from Beant Singh. The amount of Rs. 30,000/- was transferred to the account of his wife Harmanjit Kaur on 15.10.2017. The said amount was repaid by the petitioner to Beant Singh on 20.11.2017. The petitioner was not aware as to who deposited amount of Rs. 30,000/- in the account of his wife. The petitioner always remained under the impression that Beant Singh had deposited the amount in the account of his wife which was later returned by him. The petitioner never promised to the complainant or to any of the other persons named in the FIR for arranging any job for them. The petitioner is not involved in any other case of similar nature. The petitioner is ready to join the investigation.

On the other hand, learned State Counsel has submitted that the petitioner alongwith his co-accused cheated Mudit Gupta and others and dishonestly induced them to pay an amount of Rs.36 Lakhs and issued fake appointment letters to them. Custodial interrogation of the petitioner is required in the case. The petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

The Courts have been granted power to grant anticipatory bail to protect against motivated criminal litigation instituted at the instance of unscrupulous litigants animated by malice or political vendetta. Grant of anticipatory bail is an extra-ordinary remedy and is not, therefore, intended to be granted in every case. Number of factors including nature and gravity of the offences, quantum of sentence, likelihood of the accused absconding, intimidating or influencing the witnesses or tempering with the evidence or committing similar offences have also to be taken into consideration. Further, socio-economic offences constitute a class apart and need to be visited with different approach in matter of bail. Since socio-economic offences have deep rooted conspiracies affecting the moral fibre of society and causing irreparable harm, the same have to be viewed seriously.

Reference in this regard may be made to *State of Bihar and another Vs. Amit Kumar @ Bachaha Rai : 2017 (13) SCC 751* and *Rohit Tandon Vs. Directorate of Enforcement : 2018(11) SCC 46*. Cases of cheating of unemployed youth and dishonestly inducing them to pay heavy amounts in the name of arranging jobs for them are on the increase. Custodial interrogation of the persons involved in such cases has to be made to unearth the modus operandi, discover other persons involved in the crime and similar crimes committed by them and recovery of the amounts received by them by dishonest inducement of the persons cheated. Persons involved have to be sternly dealt with and effective steps have also to be taken to deny the fruits of crime to them and also for protection of interest of the unemployed youth by recovery of the amount paid by them. Therefore, the Courts cannot be liberal in the matter of grant of bail to persons allegedly involved in cases of recruitment frauds/fake recruitment incidents.

Keeping in view the facts and circumstances of the case, also the fact that custodial interrogation of the petitioner is required for thorough investigation of the crime committed and the possibility of the petitioner influencing the witnesses or tempering with evidence and fleeing from justice, I am of the considered view that the petitioner does not deserve grant of anticipatory bail.

In view of the above discussion, the present petition for grant of anticipatory bail to the petitioner is dismissed.

03.09.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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