

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

CRM-M-52768-2019

Date of Decision : -13.2.2020

Randeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr.Amit Maan, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

Mr.Karan Vir Nanda, Advocate
for the complainant.

H.S.MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Randeep Singh, an accused in FIR No.508 dated 16.11.2019, under Sections 406, 467, 468, 471 IPC, registered with Police Station Sector-5, Panchkula.

Briefly stated the facts of the case as per the prosecution version are that complainant Anil Bhalla son of Charan Dass, resident of Panchkula had submitted a written complaint to DCP, Panchkula craving for registration of FIR against Randeep son of Raghbir Singh, resident of Panchkula for taking Rs.9 lakhs on the pretext of managing a job and permanent citizenship in England. *Inter alia*, in the complaint the complainant contended that he was on visiting terms with Randeep son of Raghbir and during that time Randeep Singh talked with him regarding sending various persons abroad and managing employment

and citizenship for them; he used to tell him that he had got provided P.R. in a European country and also got provided work permit for 10-12 years. According to the complainant, he also wanted his son Akash Bhalla to get a job abroad and Randeep Singh assured that once his son went to England, then his life would be changed. Thereafter, the complainant told Randeep Singh that he would talk with his son Akash Bhalla and other family members. Randeep Singh had told the complainant that Rs.15 lakhs would be needed for that purpose. The complainant after discussing the matter with his family members agreed to pay that amount to accused. Accordingly, accused came to his house at Panchkula and matter was discussed there. The accused had brought some documents with him, which he showed to the complainant.. The accused promised to get permanent job and citizenship for Akash Bhalla in England within one year. Accordingly, the complainant transferred a sum of Rs.4,75,030/- in the bank account of accused on 19.12.2016. He further paid a sum of Rs.4,95,000/- to him in the form of installments. Thereafter, accused took passport and other ID proof of the son of complainant after coming to his house. Despite getting Rs.9,70,000/- from the complainant, accused did not keep his promise of sending the son of complainant abroad. When the accused failed to fulfil his promise, he handed over cheque from his account but the same on presentation was uncashed. According to the complainant, the accused had cheated him for a sum of Rs.9,70,030/-.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request

was declined by learned Additional Sessions Judge, Panchkula vide order dated 3.12.2019. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the records.

Learned counsel for the petitioner has contended that on 8.8.2015 when there was opening ceremony of his Dhaba at Nada Sahib, Morni Hills, Panchkula; Sahil Bhalla along with his associates had fired shots in the air as well as on the petitioner; the matter was reported to the police and FIR No.231 dated 24.8.2015 for the offences under Sections 285 and 336 IPC and 25 of the Arms Act was registered against the complainant and others; another FIR No.129 dated 12.6.2018 under various provisions of IPC was registered against the complainant and his companions on the complaint of one Raju; subsequently the matter was compromised between the parties on 16.9.2017 and FIR was got quashed from this Court and an order dated 23.3.2018 in that regard was passed; that in terms of the compromise Anil Bhalla had agreed to pay a sum of Rs.4,75,000/- to the petitioner for damaging the Dhaba and causing loss to him and for that reason he had transferred the said amount from his account to the account of petitioner through RTGS on dated 19.12.2016; out of the said amount, the petitioner had returned an amount of Rs.50,000/- to the complainant as a gesture on asking the persons of the

society; that the allegations against the petitioner in the FIR are wrong; that the petitioner had not received any amount or document from the complainant and the FIR in question is counter blast to the FIR got recorded by the present petitioner against the complainant.

On the other hand, learned counsel for the complainant has contended that once the FIR was quashed, the relations between the parties had become normal and petitioner/accused visiting the house of complainant, giving an allurements of sending his son abroad and received substantial amount of money from him besides the documents.

Learned State counsel has contended that custodial interrogation of the petitioner is required to effect the recovery of money and documents given to him by the complainant.

After hearing the rival contentions, I find that when the case came up for hearing before a Co-ordinate Bench on 11.12.2019, after recording the contentions of both the parties, it was observed that neither of the parties appeared to be total honest and evidence is there in favour of both the parties; under the circumstances interim bail was granted to the petitioner and status report was sought from the police with regard to the investigation carried out.

Learned State counsel has contended that though the petitioner has joined the investigation while being granted interim bail by this Court but he has not rendered full cooperation. But this fact is controverted by the learned counsel for the petitioner.

After hearing learned counsel for the parties and

going through the record, I find the version of the complainant to be somewhat doubtful and unconvincing. In the FIR the complainant had not made mention of any FIR having been lodged by petitioner Randeep Singh against him, when it has come on record that it was so done and then the FIR was quashed by this Court on the basis of settlement arrived at between the parties. Why this important fact was withheld from the Court has not been explained properly. It does not appeal to mind that the present petitioner having lodged an FIR against the present complainant, where the matter had entered into compromise, they would become so thick and close thereafter that the present complainant would rely upon the present petitioner to send his son abroad and pay a sum of Rs.9,70,030/- to him.

Nevertheless the truth shall come out during the trial. At this stage, it cannot be said with clarity as to whether the money deposited by the complainant in account of the present petitioner was towards settlement of dispute between the parties regarding which FIR No.231 dated 24.8.2015 had been recorded. Therefore, unless it is prima facie establish that the petitioner had received any money or documents from the complainant, there is no occasion for return of the same by the present petitioner to the complainant or the Investigating Officer. Therefore, the interim bail granted to the petitioner on 11.12.2019 is made absolute, subject to the satisfaction of the Investigating/Arresting Officer on his fulfilling following conditions:

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the previous permission of the Court; and
- (iv) that the petitioner shall surrender his passport before the Investigating Officer and if the petitioner is not having passport then shall file the affidavit in that regard.

In case the petitioner violate any term and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

13.2.2020

Brij

(H.S. MADAAN)

JUDGE

Whether reasoned/speaking :

Yes/No

Whether reportable :

Yes/No