

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

CRM-M-5677-2021 (O&M)

Date of decision: 08.02.2021

Manjit Sharma

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms. Sharmila Sharma, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Manjit Sharma, an accused in FIR No.401 dated 02.12.2020, for offences under Sections 120-B, 406, 420, 467, 468 and 471 IPC, registered with Police Station Arya Nagar, District Rohtak.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State and Mr. Anshuman Dalal, Advocate has appeared on behalf of the complainant.

Briefly summed up the prosecution story is that, criminal machinery in this case was set into motion by complainant Surender son of Sh. Bharat Singh, who in the written complaint submitted by him to the Superintendent of Police, Rohtak stated that he was acquainted with

Dharampal Nagar and his son Mukesh Nagar and Dharampal Nagar disclosed to him that he had got employed his son as Supervisor in FCI under ministerial quota; Mukesh Nagar promise to get Govt. job for son of the complainant, namely Tarun from ministerial quota through accused Sonu Sharma, Harjit Kaur and Krishan Kumar on payment of money; on 23.03.2019, the complainant handed over Rs.3 lacs each to Mukesh Nagar and his father Dharampal Nagar for securing job for his son Tarun and brother in-law Kamal in FCI; Mukesh Nagar got forms filled from Tarun and Kamal and obtained their academic certificates; on 25.03.2019, Mukesh Nagar along with Manjit Sharma (present petitioner) went to the house of complainant and handed over appointment letters of Tarun and Kamal, having stamps of FCI to the complainant, stating that Tarun and Kamal shall have to go to Taratala Calcutta for training; the complainant along with his son, brother in-law and Mukesh Nagar went to Delhi, where Mukesh Nagar introduced them to Harjit Kaur, who stated that she was posted as Director in FCI and showed her identity card stating that after giving some more money, training of Tarun and Kamal would begin; she demanded Rs.4 lacs and gave her account number and that of Rupesh Kumar and Prabhatraj asking the complainant to deposit Rs.1 lakh in each account and gave Rs.1 lakh in cash to Mukesh Nagar; it was so done by the complainant; then the complainant along with his son, brother in-law, Mukesh Nagar and Sonu Sharma returned home; subsequently, a sum of Rs.50,000/- more was transferred in the account of Prabhatraj and Rs.2 lacs in the account of Rupesh Kumar; money was also handed over to

Mukesh Nagar and Sonu Sharma which was at the asking of Harjit Kaur on telephone; on 07.04.2019, Mukesh Nagar and Manjit Sharma went to the house of complainant and asked Tarun and Kamal to go to Calcutta stating that training would start from 11.04.2019; the complainant along with Tarun and Kamal accordingly went to Calcutta, however, there was no training; subsequently, accused fleeced more money from the complainant; to sum up the things, the appointment letters handed over were found to be fake and fabricated and the accused named in the complaint including the present petitioner in conspiracy with each other had defrauded the complainant of huge amount running into lakh of rupees on the pretext of getting appointment for his son Tarun and brother in-law Kamal; on the basis of that complaint, formal FIR in the matter was recorded; the investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Rohtak by moving an application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Rohtak, who vide order dated 17.12.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel as well as counsel for the complainant.

I have heard learned counsel for the parties besides going through the record and I find that there is absolutely no ground to accept the present petition.

Pre-arrest bail is a discretionary equitable relief, which is to

be granted by the Court in rare and exceptional circumstances to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest. The allegations against the petitioner are very grave and serious that he in conspiracy with his co-accused had defrauded the complainant of huge amount running into lakh of rupees on the pretext of providing job for his son Tarun and brother in-law Kamal, handing over fake appointment letters/joining letters to them. In the FIR, there are clear allegations of present petitioner Manjit having accompanied Mukesh Nagar to the house of complainant on 25.03.2019 and handing over appointment letters of Tarun and Kamal having stamps of FCI to the complainant which were found to be forged and fabricated documents. Again there are allegations that on 07.04.2019, Mukesh Nagar and Manjit Sharma came to the house of complainant and asked Tarun and Kamal to go to Calcutta for training, whereas, as a matter of fact, no such training was given to them. Further, there are allegations that in July, 2019 Mukesh and Manjit went to the house of complainant telling that next month, they would hand over joining letter, for which the complainant shall have to pay Rs.6,20,000/- in cash and complainant accordingly paid that amount to them. These incidents as well as other allegations in the complaint show active involvement of the petitioner-accused in the whole scam. He is alleged to have received a substantial portion of the scam money from the complainant. Custodial interrogation of the petitioner is definitely required to find out how the scam was planned, executed and the

involvement of other persons therein. In case, it is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for. Thus, in view of the detailed discussion above, no case for grant of pre-arrest bail to the petitioner is made out. The petition is found to be without any merit and is dismissed accordingly.

08.02.2021

(H.S. MADAAN)
JUDGE

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No