

CRM-M No.5494 of 2021
Date of Decision : 05.02.2021

Parvinder Singh ...Petitioner

Versus

State of UT ChandigarhRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Nisha, Advocate for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, UT, Chandigarh with
Mr. Anupam Bansal, Advocate.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the second petition under Section 438 Cr.P.C. (first petition was dismissed as withdrawn with liberty to file a fresh petition with better particulars) is for grant of anticipatory bail in case FIR No.2 dated 04.01.2021 registered under Section 420 IPC at Police Station, Sector 19, Chandigarh.

3. Brief facts of the case are that the aforementioned FIR was registered on the complaint of Inderjit Singh on the allegations that the petitioner had induced him and his relatives, Bhupinder Singh and Jaswant Singh to pay him Rs. 8 lacs on the assurance of securing government job for Bhupinder Singh and Jaswant Singh but despite receipt of Rs. 8 lacs, the petitioner neither arranged employment nor

4. Learned counsel contends that the petitioner has been implicated in the instant case by the complainant in conspiracy with one Vishnu and Sanjay to prevent him from pursuing action against them to recover Rs. 1.67 Crore cheated by them from the petitioner. Learned Counsel contends that the petitioner had made a complaint, Annexure P-3 to the Senior Superintendent of Police, Chandigarh against one Vishnu, Excise Inspector, UT, Chandigarh, Sanjay, Constable Railway Police Force and Udeypal for committing fraud to the tune of Rs.1 Cr. 67 lacs on the pretext of securing government employment for aspirants in the State of Haryana and not returning said money to the petitioner to enable him to return the same to said aspirants on their not securing government jobs for said aspirants.

5. A perusal of the complaint, Annexure P-3 made by the petitioner reveals that he while working as ETT Teacher in Government Model Senior Secondary School, Sector 21-A, Chandigarh in the year 2016, came in contact with one Sanjay, Constable in the Railway Police Force, Ambala Cantt. who disclosed to him that his cousin namely Vishnu, working as an Excise Inspector was having links with high officials, including Ministers in the States of Punjab, Haryana and Delhi, that he fell into the trap and met Vishnu who told him that he could get persons recruited in government service in the State of Haryana on account of his high links. Thereupon, the petitioner in order to make money came in contact with various persons desirous of securing government service, names of whom are mentioned in paragraph No.4 of the complaint, Annexure P-3 and collected various amounts in cash, as

well as deposits in his bank account in Punjab National Bank, Sector 33, Chandigarh, Oriental Bank of Commerce, Sector 21, Chandigarh and State Bank of India, Sector 20, Chandigarh. As per stand of the petitioner in the complaint, initially he received cash and handed over the same i.e. Rs.4 lakhs in September, 2016, Rs.35 lakhs after 2 weeks thereafter and Rs.65 lakhs in October 2016 to Vishnu due to the connivance of Sanjay and Udeypal. Besides, whenever any amount was deposited in his account, he withdrew the same and handed it over to accused-Vishnu i.e. Rs.25.75 lakhs from Punjab National Bank, Rs.11 lakhs from Oriental Bank of Commerce and Rs.25.53 lakhs from State Bank of India. The complaint further records that thereafter, the petitioner handed over call letters of about 100 to 230 candidates to Vishnu for getting them appointed in government service but Vishnu did not get the needful done and started making lame excuses, while the persons who had paid the amount to him started harassing him and threatening him with dire consequences. As a result thereof, the petitioner demanded money back from Vishnu, whereupon Vishnu returned Rs.21 lakhs through RTGS from the account of Udeypal and Bali. However, he did not return the amount taken by way of cheques from the petitioner.

6. That it is further mentioned in the complaint by the petitioner that on account of continuous threats to him as well as his family members, by persons from whom he had taken money, he returned Rs.1 Cr. 12 lakhs to the persons from whom he had collected the money by selling his property and also took personal loan of Rs.16 lakhs

in his name but in spite of all this, when he was not able to pay the money to the persons from whom he had received the money for getting them appointed on government jobs, he approached the Chief Vigilance Officer and narrated the entire incident and even confessed his guilt before the Press as a result of which, he was suspended from service as Vishnu was known to the Director School Education.

7. A perusal of the aforementioned details reveals the admission by the petitioner of his involvement in a racket with one Vishnu and others for securing government jobs to aspirants for monetary consideration.

8. In the instant case, the petitioner took an amount of Rs.4 lakhs in cash and another Rs.4 lakh through online banking from Bhupinder Singh and Jaswant Singh, relatives of complainant Inderjeet Singh on the assurance of getting them appointed on government jobs on account of his close connections with high-ups besides politicians. Submission of the Counsel for the petitioner that it was the complainant who introduced him to Sanjay and Vishnu and amount of Rs. 4 lacs was deposited in the account of the petitioner by the complainant through his relatives, i.e. Jaswant Singh and wife of Bhupinder Singh to make out a false case against him is apparently not correct as said stand is contrary to the stand in complaint, Annexure P/3.

9. Besides, learned Standing Counsel, UT, Chandigarh, has brought it to the notice of the Court that transcripts of telephonic conversation, which took place between the petitioner and Bhupinder and Jaswant, relatives of the complainant Inderjeet Singh, are available,

which prove the complicity of the petitioner in the racket holding out assurance to them for securing government jobs for monetary consideration for which custodial interrogation is necessary for ascertaining the modus operandi of the petitioner in duping the complainant, his relatives, apart from a large number of other persons, as also for effecting recovery of the amount taken by the petitioner from the complainant / his relatives as well as large number of other persons.

10. Having considered the submissions of counsel for the parties, I am of the considered view that the instant petition is wholly misconceived. Custodial interrogation of the petitioner is essential to ascertain the modus operandi of the petitioner in duping the complainant/ his relatives, besides a large number of persons of money on the assurance of getting such persons government jobs. The exact role of the petitioner, is to be ascertained, besides recovery of the money taken from the complainant / Jaswant as well as Bhupinder is to be made for which custodial interrogation is a must. Reference in this context can be made to the decision of Hon'ble the Supreme Court in '**CBI** versus **Anil Sharma**' 1994 (4) RCR (Crl.) 268 that effective interrogation in a case like this would not be possible if the protective umbrella of anticipatory bail is available to the accused, as in said eventuality, interrogation of the accused would become an empty formality. Instant case can by no stretch of imagination be said to be one of false implication. Petitioner, as per his own admission, indulged in illegal acts of collecting huge amounts of money from a large number of persons including the complainant and his relatives by giving them assurance of securing them government jobs on

account of his close connections with high ups including politicians. Petitioner does not deny receipt of money from the complainant in the instant case. The plea that the money was got deposited by the complainant through his relatives to frame him in a false case is negated from the stand of the Standing Counsel UT Chandigarh as per whom telephonic conversations between the petitioner as well as Jaswant and Bhupinder are available in which the petitioner assured them of getting government jobs for monetary considerations on account of his connections. There is no rebuttal by the petitioner counsel to the aforementioned stand of learned Standing Counsel, UT Chandigarh. Accordingly, no ground whatsoever is made out for grant of anticipatory bail. The petition being devoid of merit, is accordingly ***dismissed***. However, nothing stated hereinabove would be taken as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

February 5, 2021
'Rajneesh'

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