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

CRM-M-14093-2021

Date of decision : 26.03.2021

Emanuvel Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Rajesh Kapila, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

G.S. SANDHAWALIA, J. (ORAL)

This is the second anticipatory bail application which has been filed by the petitioner after the dismissal of the first one on 28.07.2020 vide CRM-M-20650-2020 arising out of FIR No.95 dated 21.05.2020 under Sections 420, 468, 471 of the Indian Penal Code, 1860 at Police Station Dhariwal, District Gurdaspur.

The contention which is now being raised is that on earlier occasion, the petitioner has been acquitted in FIR No.23 dated 17.04.2013, in which also Harpreet Singh son of Sukhwinder Singh, the present complainant as such has levelled similar allegations of inducement on account of providing job. It is submitted that the said fact could not be brought to this Court on earlier occasion.

Learned counsel for the State has submitted that during the intervening period, P.O. proceedings are also pending before the Court of Chief Judicial Magistrate, Gurdaspur and the dismissal of the earlier bail application has also been concealed while preferring the second bail application before the Additional Sessions Judge, Gurdaspur which led to the dismissal of the said petition on 10.02.2021.

The reasons given in the order dated 28.07.2020 passed in CRM-M-20650-2020 reads as under:-

“A perusal of the FIR would go on to show that the petitioner is the sole accused and a complaint had been filed by 6 persons who have been duped on the assurance that they would be given a job with the MES Department, Jalandhar & Pathankot. A sum of Rs.45,000/- each was received from the said persons and the total amount of Rs.1 lakh was to be paid per person. The transaction is allegedly between May, 2015 to May, 2019 and the complainants only found out that the letters of appointment were forged when they went to join at the concerned place.

The Chief Engineer, MES, Pathankot has found that the appointment letters were forged and therefore, the petitioner is alleged to have received a sum of Rs.2,70,000/- from the complainant, from the forgery.

The custodial interrogation would, therefore, be necessary to find out as to where the appointment letters had been printed and as to how the petitioner had been able to get the stamps etc. of the department and whether there are other person(s) who are associated in helping the petitioner in the crime. It is not that the petitioner has been falsely roped in as there is as many as 6 gullible complainants who have been promised public employment by the petitioner. In

such circumstances, the benefit of anticipatory bail is not to be granted as the police is to go into the root of the matter which can only be done by way of custodial interrogation.

Resultantly, in view of the above, the present petition is dismissed.”

Merely because another set of proceedings have been initiated 7 years earlier would not as such give the right to the petitioner to allege the fact that he has been falsely implicated as noticed above. It is not only Sukhwinder Singh who is aggrieved but there are as many as 5 more persons who are the complainants on account of being induced to part with money for providing jobs. In such circumstances, this Court is of the opinion that no case is made out to entertain a second anticipatory bail application more so in view of the fact that there are no changes in the circumstance which would warrant a re-look at the issue.

Accordingly, the present petition is dismissed.

26.03.2021

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No