

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104 + 262)

CRM-M-18626-2021
Date of Decision : 28.10.2021

Samey Singh

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-21285-2021
Date of Decision : 28.10.2021

Yagya Dutt

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-44373-2021
Date of Decision : 28.10.2021

Ram Nath

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Krishan Singh, Advocate
for the Petitioner (in all the cases).

Mr. Deepak Sabharwal, Additional Advocate General
Haryana for the respondent-State (in all the cases).

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SUVIR SEHGAL, J. (ORAL)

Heard through Video Conferencing.

This order shall dispose of CRM-M-18626-2021 titled as Samey Singh Versus State of Haryana; CRM-M-21285-2021 titled as Yagya Dutt Versus State of Haryana and CRM-M-44373-2021 titled as Ram Nath Versus State of Haryana, as all the three petitioners are accused in FIR

No.107 dated 13.04.2021, registered for offences under Sections 406, 420 and 506 of Indian Penal Code, 1860 at Police Station, Sector 17, HUDA, Jagadhari, District Yamuna Nagar and have approached this Court by way of separate petitions under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of pre-arrest bail.

For the sake of convenience, facts are being taken from CRM-M-18626-2021 titled as Samey Singh Versus State of Haryana.

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the complaint of Satyawar on the allegation that accused, Yagya Dutt Sharma (petitioner in CRM-M-21285-2021), Gaurav S/o Yagya Dutt Sharma, Ram Nath (petitioner in CRM-M-44373-2021), Samey Singh (petitioner in CRM-M-18626-2021) and Raj Kumar have swindled him of Rs.8,00,000/- on the pretext of getting his younger brother, Rajiv Rathi, appointed in the Department of Agriculture with the Government of Haryana. Complainant has alleged that when the accused failed to get his brother appointed, he demanded his money back, but the accused threatened him that they have links with higher authorities and they will get him implicated in a false case. A complaint was given in the C.M. window on 02.09.2019 and also at Police Station – Farakapur, however, the police officials insisted that he should first withdraw the complaint given in the C.M. window, so that the matter can be enquired into at the Police Station. He withdrew his complaint from C.M. window and despite providing all the material, the police did not take any action, forcing him to file a fresh complaint with the Superintendent of Police, Yamuna Nagar.

Counsel for the petitioner has argued that FIR (Annexure P-1) has been registered on the same set of allegations, which were enquired into by the Station House Officer of Police Station, Farakapur, District Yamuna Nagar and vide report dated 31.01.2021 (Annexure P-4), which was subsequently approved by the Superintendent of Police, Yamuna Nagar, it was found that the matter pertains to a business dispute and being a civil matter, the application was consigned to the record. He urges that a civil suit is pending between the parties and the complainant has deliberately given a tone of fraud and cheating to a pure and simple monetary dispute by leveling false allegations.

Controverting his submissions, State counsel, upon instructions from ESI, Ram Kumar No.198/YNR and by making a reference to the status reports filed by way of affidavits dated 09.09.2021 and 24.10.2021 of Deputy Superintendent of Police, Jagadhari (Yamuna Nagar) has submitted that the Station House Officer, Farakapur could not have investigated the complaint without registering the FIR and the entire procedure adopted by him is contrary to the legal position settled by the Hon'ble Supreme Court in ***Lalita Kumari Versus Government of Uttar Pradesh and others 2014 (2) SCC 1 and Prathvi Raj Chauhan Versus Union of India and others 2020 (4) SCC 727***. By making a reference to the enquiry proceedings conducted on the complaint, State counsel asserts that the accused-petitioner, Yagya Dutt could not produce any record regarding the business transactions between the parties and civil suit instituted by him is subsequent to the lodging of the complaint by the first informant.

I have considered the respective submissions of counsel for the parties.

Petitioners have been accused of having duped the complainant of huge amount of money in the guise of providing a Government job to his brother. All the accused appear to be hand in glove with each other and the amount extracted from the complainant has been deposited in bank accounts or handed to accused at different points of time. One of the accused, namely, Raj Kumar is a Government employee and working in the Haryana Government Secretariat and has probably played an active role in the conspiracy. The stand taken by the petitioner regarding the fact that the dispute has arisen from financial dealings between the parties could not be substantiated even before this Court on basis of any document. State counsel, on the other hand, seems to be in possession of incriminating material, which shows the probability of the complicity of the accused. Concededly, the petitioner – Samey Singh is an accused in FIR No.72 dated 28.05.2018, registered for offences under Sections 420, 406 and 506 of Indian Penal Code, 1860, at Police Station Barara, District Ambala, wherein he is facing allegation of a similar nature, and has been declared as a proclaimed offender resulting in a registration of FIR No.201 dated 09.10.2019 under Section 174-A IPC at the same Police Station.

Considering the totality of the facts and circumstances, the nature of accusation, the gravity of offence, the severity of punishment in case the accused are convicted of the offence alleged and the fact that the accused- Samey Singh is a proclaimed offender in another similar criminal case, this

Court does not find any merit in the arguments addressed by counsel for the petitioner.

All the petitions are accordingly dismissed.

It is clarified that nothing said herein above shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

28.10.2021
Pardeep

Whether speaking/ reasoned	Yes
Whether Reportable	Yes