

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

**CRM-M-22349-2021
Date of Decision : 02.09.2021**

Ravinder Petitioner
Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI (Oral)

Reply by way of affidavit of Ashok Kumar, HPS, Deputy Superintendent of Police, Headquarter, Hisar on behalf of respondent-State of Haryana has been filed which is taken on record.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.416 dated 13.10.2020, registered under Sections 406, 420, 467, 468, 471 IPC, at Police Station Urban Estate, Hisar, District Hisar.

As per the FIR which was lodged by the Manager of Jindal Stainless (Hisar) Ltd. (in short 'the Company'), against the present petitioner by alleging that the petitioner, who was earlier working in Jindal Stainless Steel Factory, on 29.09.2020 was found roaming in the factory premises of the said company and on inquiry, it was found that he is using the company's uniform illegally even after being discharged from the company.

He, by using fake and similar company identity card and uniform by wrong means, has been extorting money from unemployed persons on the pretext of getting them jobs in said company. In this way the image of the company has been spoiled.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case at the behest of the Company and in connivance with the police officials. Learned counsel for the petitioner has further submitted that the petitioner was earlier an employee of the aforesaid Company but resigned from the Company in August, 2018 and the present complainant, who is stated to be the Manager of the Company, had lodged the present FIR which is ex facie false based on a concocted story. It has been submitted that a perusal of the FIR shows that no such specific incident has been reported in the FIR and the only allegations which are contained in the FIR, are that after resigning from the Company, the petitioner, using the uniform and the identity card of the company, duped the people for getting them employment in the Company and had taken money from them. Learned counsel for the petitioner has further submitted that firstly, the petitioner is not an employee of the Company and secondly story made by the complainant is totally improbable on the face of it as nobody would give any money to anybody who is not even an employee of the Company and rather infact, the factual position is that the petitioner had taken loan from some of the co-employees and the same had already been returned to them and the details of the same have been mentioned in para No.9 of the present petition. Learned counsel for the petitioner has submitted that on 07.06.2021, this Court had issued notice of motion and interim protection was granted to the petitioner on joining of

the investigation. He further submitted that in pursuance of the said order, passed by this Court, the petitioner has joined the investigation and, therefore, he has prayed that the interim order, passed by this Court may be confirmed.

On the other hand, learned State counsel has submitted that in pursuance to the order dated 07.06.2021, the petitioner has joined the investigation but he has not cooperated with the investigating process and had rather admitted during investigation that he had taken money fraudulently. Learned State counsel has submitted that the petitioner is the former employee of the Company and after resigning from the said Company he was found roaming in the factory premises in fake uniform with fake identity card and he had been taking money from various people on the pretext that he will provide some job to them in the Company. In the affidavit, filed by respondent-State, it has been mentioned that the petitioner had taken some amount from Anup, Joginder, Dharmender, Anil, Naveen Rana etc. He has further submitted that some amount was credited by Anil to the tune of Rs.9,000/- on 16.07.2020, Rs.500/- on 20.07.2020, Rs.1,000/- on 21.07.2020, Rs.10,000/- on 13.08.2020, Rs.6,000/- on 01.06.2020 and Rs.24,000/- on 08.06.2020 in the account of the wife of petitioner. The recovery is yet to be effected and it has also to be ascertained as to from how many people he had taken the money. He has submitted that in view of the above, the concession of anticipatory bail may not be granted to the petitioner.

However, rebutting the arguments, raised by learned State counsel, it has been submitted by learned counsel for the petitioner that some amount was credited in the account of the petitioner or his wife from

Naveen Rana and Anil Kumar and the details have already been mentioned in para No.9 of the petition. In fact, the money was borrowed by the petitioner from the aforesaid persons for his domestic need and vide Annexure P-2, the amount has already been returned to them. Learned counsel for the petitioner has submitted that the company was against the petitioner and has other grudges against him and that was the reason, he had resigned from the Company and now the present FIR has been lodged against the petitioner on false ground.

I have heard learned counsel for the parties.

The allegations contained in the FIR are that the dispute has arisen allegedly regarding taking of money by the petitioner, who is a former employee of the Company, for the purpose of getting employment to some persons whereas the case of the petitioner is that false case has been implanted upon him as some amount which he had taken and borrowed from the other co-employees was in the nature of loan, which he has already returned vide Annexure P-2 and since the Company held a grudge against him, he has been falsely implicated in the present case. The recovery of money as such cannot become a ground for denial of bail. The submission, made by learned State counsel that at the time of joining of investigation, the petitioner had suffered disclosure statement before the police, would also be insignificant as the statement had been made before the police officer. Furthermore, perusal of the affidavit, filed by respondent-State, would show that there is nothing stated in the affidavit to show that there is any apprehension to the State that in case the petitioner is granted bail then he may temper with the evidence, induce the witnesses or flee from justice.

Even the State counsel while making submissions has not taken up any such

stand. Merely recovery of some amount of money cannot disentitle the petitioner from the concession of anticipatory bail. Consequently, the present petition is allowed. The order dated 07.06.2021, granting interim bail to the petitioner is hereby made absolute.

However, anything observed hereinabove, shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

02.09.2021

mamta

(JASGURPREET SINGH PURI)
JUDGE

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