IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22749-2021
Date of Decision: 05.07.2021

Palwinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ritesh Pandey, Advocate for petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

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Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of Code of Criminal Procedure for seeking directions to the Investigating Officer to release the petitioner on anticipatory bail in FIR No.22 dated 23.02.2021, under Sections 406, 420, 120-B, 506 IPC later on offence under Sections 467, 468, 471 IPC added registered at Police Station Division No.6, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner was not involved in the present case and his name was not mentioned in the FIR but was nominated later on on the basis of disclosure statement made by the co-accused namely Vipan Kumar. He has submitted that one of the other co-accused namely Suraj Kumar whose name was also nominated has been granted interim bail by this Court vide Annexure P-2

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2021.07.12 10:17
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and the petitioner is at parity with the aforesaid Suraj Kumar and, therefore, he may be considered for the grant of anticipatory bail.

Notice of motion was issued in this case on 10.06.2021 on the basis of averments made by the learned counsel for the petitioner. However, the learned State counsel has submitted today that on the aforementioned date the learned State counsel had stated that the petitioner had deliberately concealed material facts from this Court and while referring to para No.8 of the petition he had submitted that there were 7 other cases against the petitioner of like nature and the petitioner was the main kingpin of the entire fraud which was being played by him by promising jobs for money. Thereafter, a reply has been filed by one Harinder Singh, PPS, Assistant Commissioner of Police, Sub-Division Model Town, Jalandhar on behalf of respondent-State. Learned counsel for the petitioner has also submitted the status of the other cases against the petitioner by way of email and the same is taken on record. He has submitted that out of these seven cases, in most of the cases, the petitioner has been acquitted and now only two cases are pending against the petitioner.

Mr. Randhir Thind, learned DAG, Punjab while referring to the affidavit filed by the State submitted that there were 4 complainants who moved their respective grievances on different dates to the higher police officials against the co-accused namely Vipan Kumar, Kamla Devi and Mohinder Pal regarding embezzlement of money on the pretext of getting permanent job in Indian Railways. A joint inquiry was conducted by Deputy Commissioner of Police (Investigation), Jalandhar and during the inquiry the

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complainants got recorded their statements that they will produce some documents relating to the Railways jobs. After the registration of the FIR the complainants of the FIR duly recorded their statements and produced forged and fabricated documents pertaining to Northern Railways including Identity Card, forged Training/joining letters issued by Northern Railways and forged pass issued by Central Railway and thereafter, Sections 465, 467, 468 IPC were added in the FIR. Though, the complaints were moved against the above three accused but the name of the petitioner as well as the other co-accused namely Suraj Kumar came into light on the arrest of the co-accused Vipan Kumar who got his confessional statement recorded that he was doing work of networking, where the petitioner and Suraj Kumar met him. The petitioner said to Vipan Kumar that he had linkage with BSF and Railway and had earlier also recruited many unemployed persons in the jobs. A total amount of Rs.28,50,000/- was taken from the complainants and after the bifurcation of the total amount, Rs.26,50,000/- was kept by the petitioner, Rs. 2,00,000/- and Rs.2,50,000/- by Vipan Kumar and Suraj Kumar respectively. Learned State counsel by referring to the affidavit has submitted that so far as the role of the petitioner is concerned, he was the mastermind of the planning and he has kept Rs.26,50,000/- on the basis of aforesaid fraud being committed against the complainants. On the question of need for custodial interrogation, learned State counsel submitted that it is yet to be ascertained that from where and from whom the petitioner got the aforesaid forged documents, which are stamped with Government seal and stamp and it is also yet to be found that how many persons are involved in this racket and, therefore, the case is still at the investigation stage and,

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therefore, the custody of the petitioner was required.

Learned State counsel further referring to the list of cases, in which the petitioner is involved earlier has referred to para No.7 of the affidavit wherein a list of seven cases have been mentioned. Most of these cases pertain to Section 420 and 406 IPC. Although, in two cases, the petitioner has been acquitted but in the remaining cases either the investigations are still pending or the cases are still pending at different stages. A list of these cases as contained in para No.7 of the reply filed by the State is reproduced as under.

> *"7. That the following cases are registered against petitioner:-*
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> *i) FIR No.:72 dated 13.07.2005 u/s 379, 420 IPC, PS Qadiya police District Batala. (**Convicted** on 22.08.2013 Two Years by JMIC Batala).*
>
> *ii) FIR No:160/2009 u/s 406, 420, 467, 468, 471 IPC, PS Sadar Khanna, (matter quashed upon compromise with complainant).*
>
> *iii) FIR No:86 dated 27.04.2012 u/s 42467, 468, 471 IPC, PS Chhehartta, Amritsar. (Acquitted)*
>
> *iv) FIR No.:116 dated 11.07.2017 u/s 406, 420 IPC, PS Ropar City, (**Pending 15.07.2021 before the Court of JMIC Ropar**).*
>
> *v) FIR No: 21 dated 12.05.2018 u/s 420, 465, 467, 468, 471 IPC, PS Kotli Surat Mall, District Batala. (Matter quashed upon compromise)*
>
> *vi) FIR No:29 dated 05.04.2019 u/s 420, 465, 467, 468, 471 IPC, PS Kotli surat Mall, District Batala. (**Pending Trial**).*
>
> *vii) FIR No:22 dated 23.02.2021 u/s 406, 420, 465, 467, 468, 471, 506, 120-B IPC, PS Division No.6 (Pending Trial).*
>
> *vii) FIR No:26 dated 28.02.2021 u/s 406, 420, 506, 120-B IPC, PS Division No.6 (Pending Trial)."*

Learned State counsel has, therefore, prayed for dismissal of the prayer of the petitioner.

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2021.07.12 10:17
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I have heard the learned counsel for the parties.

In para No.8 of the petition filed by the petitioner, which is supported by an affidavit of the petitioner, it has been stated that the petitioner has not been involved in any other case except FIR No.26 dated 28.02.2021, under Sections 406, 420 IPC. However, the State has filed an affidavit by giving details of seven other cases against the petitioner in which the petitioner is involved and out of the seven cases, five cases are still pending at different stages.

It is purely a case of concealment of material facts. When a petition for anticipatory bail is being filed by the petitioner, it was a duty of the petitioner to bring into notice of this Court with regard to the other cases against the petitioner, which the petitioner failed to do so. On the merits of the case, it is a case of the State that the petitioner is the kingpin and mastermind of the fraud having been committed upon various number of persons for promising jobs in government offices including Railways. The fact that his name surfaced on the basis of disclosure statement would not ipso facto become a ground for the grant of bail to the petitioner when there are other factors, which are available on record. The involvement of the petitioner in other cases, which are also under Sections 406 and 420 IPC is also a matter of concern for the purpose of considering the petition for anticipatory bail, although, the counsel for the petitioner had stated that he has been acquitted in most of the cases and only two are pending. Certainly, the magnitude of the case is large and large number of persons are involved and, therefore, it is a case where public interest is involved in the present

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case. The stand taken by the State that the custodial investigation of the petitioner is required for various reasons including the reason that it is yet to be determined as to from where and from whom the petitioner had brought the above said documents, which are stamped with the Government seal and stamp does carry some weight.

Therefore, considering the totality and circumstances of the present case and the gravity of offence, I do not deem it a fit and appropriate to interfere in the present case.

Consequently the present petition is dismissed.

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

05.07.2021 **(JASGURPREET SINGH PURI)**
Ithlesh **JUDGE**

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

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