

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24159-2021 (O&M)

DATE OF DECISION: OCTOBER 11, 2021

SANDEEP

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIKRANT RANA, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0101 dated 20.2.2021, under Section 420, 465, 467, 468, 471, 474 IPC (Section 201 and 120-B IPC added later on), Police Station City Narnaul, District Mahendergarh. The petitioner is in custody since his arrest on 6.4.2021.

The allegations contained in the FIR as noticed by the Addl.Sessions Judge, Narnaul, in the order dated 17.6.2021, are as under:-

“In brief, present case was registered on the basis of complaint presented by complainant Sher Singh resident of Nangal Sirohi stating therein that he is farmer by occupation and accused are shrewd, fraud and cheat the naïve people. The complainant met to accused Surender Singh Sekhawat who had visiting terms with Surajbhan relatives of complainant. It is stated that Rahul son of Surender Singh called Surajbhan saying that his father is asking whether Rs. 5 lakh and documents are ready so that they may come to take these. Said Suraj bhan told to complainant that Surender Singh Sekhawat has

acquaintance with high ups in Delhi and he gets done appointment after taking Rs. 7 lakh per child out of which Rs. 4 lakh is taken in advance whereas remaining Rs. 3 lakh at the time of delivery of appointment letter. Said Suraj bhan told about Bishan his known who owns responsibility of money. The complainant had many person in his family who were fit for job and working hard to get employment and they were ready to pay Rs. 7 lakh each. The relative of complainant namely Suraj Bhan told that he has paid Rs. 5 lakh in advance in lieu of getting appointment for 3 children and also handed over documents to Surender Singh Sekhawat. He further told that you can also get initiate job process after making advance payment. Further Suraj Bhan also ensured that money is in safe hands and he got his talk done with Bishan. Accused Surender Singh Sekhawat and Bishan made them believe in presence of Rajpal and Ramkishan that he can get appointment done of as many person as he wants provided he will have to pay Rs.7 lakh each for every person. Believing their words complainant collected amount for securing job of five person namely Deepak, Ravi Kumar, Ramkishan, Dhan Singh and Jitender. On 30/31/7/2019 accused Surender Singh Sekhawat along his son Rahul came at his house and pressurize him to give advance money. It is stated that Suraj Bhan gave Rs.7 lakh in presence of complainant and Devdutt and complainant also gave Rs.5 lakh advance money in presence of Suraj Bhan and Devdutt to accused Surender Singh Sekhawat. The complainant also gave Rs. 15 lakh to accused Surender Singh Sekhawat and his son Rahul in presence of Rajpal, Sadhram and Surajbhan. After 4/5 days accused told telephonically that their joining letters are ready and said to pay remaining Rs.15 lakh, upon this complainant

and his relatives collected said amount and went in front of Panchayat Bhwan as told where Suraj Bhan, Birender and Devdutt gave remaining Rs. 9 lakh to accused Surender Singh Sekhawat who then gave three appointment letters duly stamped and signed representing the same original. The complainant also gave remaining amount Rs.15 lakh to the accused Surender Singh Sekhawat in presence of Suraj Bhan, Bijender and Devdutt. Accused Surender Singh Sekhawat also gave him five forged appointment letters of five person on 18.08.2019. Later on accused did not answer their call and they came to know his fraudulent antecedents from villagers. On 22.3.2020 complainant, Rajpal and Sadhu Ram went at his house where accused Surender Singh Sekhawat and his sons promised to return money and gave him cheque bearing no.771709 dated 26.11.2020 of Rs. 35 lakh to be drawn at State Bank of India Branch Satnali. It is alleged that accused Surender Singh Sekhawat is neither answering their mobile call nor refunding their money and finally flatly refused to return and threatened that in case they initiated any police action against them then he would get them killed. It is alleged that all accused conspiring with each other forged and fabricated appointment letters duly stamped and signed with dishonest intention to extort money and handed over them. It is requested that legal action be taken against accused Surender Singh Sekhawat, Bishan Rahul and Sachin and their amount Rs.35 lakh may be recovered. On the basis of complaint F.I.R. was registered. Matter was investigated.”

Learned counsel for the petitioner has argued that the prosecution case is that the petitioner prepared fake stamp on the asking of

the co-accused. He submits that the charges have been framed and out of total 11 prosecution witnesses, none has been examined so far, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Ombir Singh has opposed the aforesaid prayer on the ground that the petitioner is involved in two other cases of similar nature. However, it is not disputed that challan stands filed and the charges have also been framed on 29.9.2021.

Considering the above background, nature of offence and the fact that charges have been framed, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 6.4.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 11, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No