

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through VC)**

CRM-M-42827 of 2020 (O&M)
Date of Decision: 12.1.2021

Sunil Bishnoi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Goyat, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana,

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 582 dated 26.11.2019, registered under Sections 406, 420 of the Indian Penal Code at Police Station HTM, Hisar District Hisar.

2. The facts, as alleged in the FIR are that the complainant is known to the petitioner, who told the complainant that there is a close friend of his, namely Surjit son of Mehal Singh, who is posted as Superintendent of Police in the Railway Police. The petitioner told the complainant that said Surjit can easily secure job of constable in RPF. He even shown the Identity Card (No. 0112944) of said Surjit having printed Batch No. 2012 and arranged a talk with him. After getting convinced by his talk, the

complainant asked him to secure employment for his son and other relatives, mentioned in the FIR, and paid ₹6,84,000/- to the petitioner and co-accused on 20.9.2018. The petitioner took photographs while handing over the money to them. However, they failed to secure the employment as promised and when the petitioner demanded return of the money, the accused threatened to kill the petitioner and that is how the above mentioned FIR came to be registered.

3. Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that falsity of the allegations made in the FIR are established from the fact that there is no entry of ₹6,84,000/- in the bank account of the petitioner allegedly paid to him by the complainant. In fact, the petitioner was only a facilitator and had introduced the complainant with the co-accused and had not received any amount from the complainant. It is also submitted that the instant case is entirely based upon documentary evidence, which are already with the police and nothing is to be recovered from the petitioner and as such custodial interrogation of the petitioner is not required.

4. Reply has been filed on behalf of the respondent—State.

5. Learned counsel appearing on behalf of the respondent—State would submit that the petitioner is the key person who introduced the complainant to co-accused Surjit, who impersonated himself as Superintendent of Police in the Railway Police and both of them cheated the complainant of ₹6,84,000/- on the pretext of securing employment for his

son and others. It is also submitted that there are photographs (Annexure R/1) of the petitioner while taking money from the complainant. It is also submitted that co-accused is still at large and has not joined the investigation so far and as such custodial interrogation of the petitioner is very much required for recovery of ₹6,84,000/-. It is, therefore, contended that the material available on record clearly makes out the offences as alleged and as such, the petitioner is not entitled to the concession of anticipatory bail.

6. I have heard counsel for the parties and have gone through the pleadings of the case.

7. Admittedly, the petitioner and the complainant are known to each other. As per the allegations levelled in the FIR, the petitioner introduced the complainant to co-accused Surjit, who allegedly impersonated himself as Superintendent of Police in Railway Police and both of them cheated the complainant of ₹6,84,000/-. Learned Additional Sessions Judge, Hisar, while dismissing the anticipatory bail application of the petitioner, has observed that custodial interrogation of the accused is required for effecting the recovery of the amount given and also for inquiring about the co-accused and the modus operandi of committing the crime and alleged identity card etc. There are serious allegations that have been levelled against the petitioner and the co-accused, which are under investigation. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed.

12.1.2021
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No