

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1725-2022 (O & M)

Date of decision: 01.04.2022

Pawan Kumar

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jagjeet Beniwal, Advocate,
for Ms. Veena Hooda, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks grant of the anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.671 dated 13.10.2021 under Sections 465, 468, 419, 420 and 120-B IPC registered with Police Station Sector 8, District Faridabad.

On 25.01.2022, the following order was passed by this Court:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 671 having been registered at Police Station Sector 8, District Faridabad, on 13.10.2021, alleging therein the commission of offences punishable under the provisions of Sections 419, 420, 465, 468 and 120-B of the IPC.

Learned counsel for the petitioner submits that the petitioner not having been named in the FIR, he has been subsequently arraigned as an accused only on an alleged disclosure statement made in police custody by his co-accused Harish, who has named only because of “party faction” in the village as the petitioner is in government service and therefore some people are jealous of him in the village.

However, there being no such averment in the petition,

that oral contention before this court cannot be accepted.

It has to be noticed that in the order passed by the learned Additional Sessions Judge, Faridabad, dismissing a similar petition filed before that Court, it has been noticed that the petitioner (Pawan Kumar) was the person who accepted Rs.9 lacs (upon blank cheques having been allegedly given to him), for the purpose of securing a job for the aforesaid Harish.

However, learned counsel for the petitioner submits that the petitioner has never received any such cheques and that he has never received any amount of Rs.9 lacs even in his bank account.

Without making any comment on the actual merits of the case, notice of motion is issued.

Mr. Neeraj Poswal, AAG, Haryana, accepts notice at the asking of the Court on behalf of respondent-State and submits that as per his instructions, the petitioner is the prime accused, who provides “false candidates” to persons who have applied for jobs, who are to appear in online examinations for such purpose.

However, as regards any money received by the petitioner by way of the aforesaid post dated cheques, he seeks time to take instructions.

Presently, he submits that as per his instructions, there is no other criminal case registered against the petitioner.

In the aforesaid circumstances, the petitioner is directed to join investigation within one week and upon him so joining, in case he is sought to be arrested, he would be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting

officer and direct him to join him in investigation, in terms of the order of this court.

A gazetted officer is directed to file a detailed reply to each paragraph of the petition also specifically stating therein as to whether any money was found to have been transferred to the account of the petitioner and of course otherwise also stating as to what has come out against him in the investigation.

Naturally, whether the interim order passed in favour of the petitioner should be continued or not, would be considered upon a detailed reply being filed by the gazetted officer.

Adjourned to 25.02.2022.”

The learned State counsel submits that the petitioner has joined investigation in terms of order dated 25.01.2022 and is not required for custodial interrogation.

In this view of the matter, interim order dated 25.01.2022 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

April 01, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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