

S.No.217

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

CRM-M-6980 of 2022

Date of Decision:18.07.2022

Salinder Kumar Sethi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case FIR No.170 dated 22.06.2021 registered under Sections 420, 465, 468, 471 and 120B of IPC at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab.

The present case FIR was registered on the written complaint filed by Arun Jain against Salinder Kumar Sethi, Savita Sethi, Ashu Sethi alleging therein that his son Sahil Jain and daughter-in-law Kajal were unemployed and due to hike in dearness in today's world, they were kind of stressed and were thinking of a job. During this, Lakhvir Singh got them acquainted with Salinder Kumar Sethi (petitioner) by stating that Salinder Kumar was a business man and having strong ties with ministers of the central government and he could secure a job for them as per the qualifications. At this, on being induced by Lakhvir Singh, when they talked to the petitioner, he demanded Rs.11 lacs each for procuring a job for his son Sahil and daughter-in-law Kajal. They requested him that they were not in a sound financial condition and it is hard for them to pay such a huge amount to procure a job. The aforesaid person said that if they want jobs, they have to pay this amount and he assured them to procure, a job either in

a bank or in any other central department. They said that they would pay the amount in installments, on which he asked them to pay the full amount by the time they got the job. On 05.10.2019 he paid Rs.3 lacs in the account of Salinder Kumar. On 10.10.2019 he paid Rs.2 lacs, on 30.10.2019 Rs.1,50,000/-, on 05.11.2019 Rs.1,00,000/-, on 06.12.2019 Rs.1,00,000/-, on 12.12.2019 Rs.1,00,000/-, on 23.12.2019 Rs.1,50,000/-, on 13.01.2020 Rs.2 lacs, on 20.01.2020 Rs.2 lacs, on 02.03.2020 Rs.1 lac, on 29.05.2020 Rs.1 lac. Apart from this, the marriage of his son Sahil was solemnized at Royal Inn Hotel, Kotkapura Road, Sri Muktsar Sahib and there, suddenly Salinder Sethi, his wife Savita Sethi, their son Ashu Sethi and Lakhvir Singh arrived and called them outside the hotel. When he came outside, they told him that they need the amount immediately as they have to get their joining orders. The complainant invited them to the marriage and asked them to have something to eat. At this, Savita Sethi and Ashu Sethi remained seated in the car, whereas, Salinder Sethi and Lakhvir Singh came inside. They counted Rs.5 lacs and they asked the complainant to handover the said amount to his wife Savita Sethi and their son Ashu Sethi, at which, he along with Guljar Singh came outside and handed over the said amount to them in their B.M.W. Car, after which they left from there. He also alleged that one paper with roll no.3110611721 for giving exam in State Bank of India was issued in the name of Sahil Jain and one letter dated 23.06.2020 with roll No.2110323466 was issued in the name of Kajal and the accused said that they will not have to appear in the exam and will get them joined after the interview. After 25.11.2020, the said accused started putting off the matter on one pretext or the other. In the end of

December, his number was switched off. When they contacted Lakhvir Singh, Savita Sethi and Ashu Sethi and told them that they have taken Rs.22 lacs from them for securing the jobs and asked them either to return money or get them jobs, they replied that they only were to cheat them and refused to return their money or to procure a job for them.

Learned counsel for the petitioner contends that there is an unexplained delay of almost five months in lodging of the FIR and the same shows that it is an outcome of consultations and confabulations. In fact, the prosecution story is unbelievable and a civil dispute has been given the colour of criminal proceedings because of the influence of the complainant. He further contends that the petitioner is in custody since 22.06.2021 and none of the 24 prosecution witnesses have been examined till date. Therefore, as the trial is not likely to be concluded in the near future, the petitioner may be granted the concession of regular bail.

Learned State Counsel, on the other hand, while relying on the custody certificate dated 16.07.2022, submits that the petitioner is a habitual offender. There are 5 other FIRs registered against him. He is also facing multiple proceedings under the NI Act. He contends that the antecedents of the petitioner do not entitle him to the grant of regular bail. He, however, admits that the petitioner is in custody since the last eleven months and none of the 24 prosecution witnesses have been examined so far.

I have heard the counsel for both the parties at length.

Undoubtedly, the petitioner has criminal antecedents. However, the present case is one of a magisterial trial. The petitioner is in custody since the last almost one year and none of the 24

prosecution witnesses have been examined till date. Therefore, the trial of the present case is not likely to be concluded in the near future. It would be certainly a matter of adjudication during trial as to whether the petitioner has committed the offence in question or not.

Therefore, without commenting upon the merits of the case, but keeping in view the period of custody undergone by the petitioner as also the fact that the present case is of a magisterial trial, the further incarceration of the petitioner is not required.

In view of the above, the present petition is allowed and the petitioner, namely, Salinder Kumar Sethi, is ordered to be released on bail to the satisfaction of the trial Court/ Duty Magistrate concerned.

The petitioner shall surrender his passport before the trial Court immediately and he shall not travel abroad, without taking prior permission from the trial Court.

He shall appear on the first Monday of every month before the concerned Police Station and shall furnish an affidavit each time that he is not involved in any other case other than those mentioned in the custody certificate filed in Court.

If any attempt whatsoever is made by the petitioner and/or his family members to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/ complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

July 18, 2022
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(JASJIT SINGH BEDI)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No