

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7358-2022

Date of decision : 04.04.2022

Harinder Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Aayush Goyal, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Inderpal Singh Parmar, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.2 dated 11.01.2022 registered under Sections 406, 420 and 506 IPC at Police Station Sudhar, Ludhiana Rural.

On 22.02.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, the petitioner who is working as Assistant Lineman in the Punjab Electricity Board Department, Bathinda, has been falsely implicated in the present case inasmuch as he had taken a loan of Rs.9.5 lacs for the construction of his house from the complainant party who are his relatives and had repaid the same and the dispute has arisen on account of the fact that son of the complainant was keeping a bad eye on the wife of the petitioner and wanted to have an illicit relationship with her, since he had given loan to the family of the petitioner. It is argued that the

allegations levelled in the FIR are doubtful since it is highly improbable that a person could arrange jobs for seven immediate family members in any Department moreso, when there was no advertisement regarding any open post. It is further argued that even as per the allegations in the FIR, substantial amount of money has been returned to the complainant. It is contended that wife of the complainant namely Jasdeep Kumari Sharma was granted interim protection vide order dated 28.01.2022 passed by the Additional Sessions Judge, Ludhiana which was subsequently confirmed on 11.02.2022, after considering the said aspects.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 04.04.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

22.02.2022

**(VIKAS BAHL)
JUDGE"**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Lakhvir Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Learned counsel for the complainant has opposed the present petition for anticipatory bail and has submitted that the argument raised by learned counsel for the petitioner to the effect that there was no advertisement regarding any open post is factually incorrect inasmuch as there was an advertisement on 09.12.2020 which was cancelled and a

May, 2021.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that as per the case of the complainant, they had paid an amount of Rs.42 lacs for the recruitment of seven relatives of the complainant and out of the said amount, an amount of Rs.24,50,000/- had been returned to the complainant. It is a case of the petitioner that, in fact, the complainant had taken a loan and had repaid the same. Learned counsel for the complainant has not been able to show any proof of payment made to the petitioner through a bank transaction or any receipt regarding the same with respect to any amount beyond the said amount of Rs.24,50,000/-. The question as to whether the transaction in question was a case of a loan transaction or was a case in which the complainant had paid the said amount of money for getting seven of his relatives recruited to government jobs, would be finally adjudicated during the course of trial. The argument of learned counsel for the petitioner to the effect that the seven persons, which even included friends of the son of the complainant, were promised a Government job by the petitioner does not inspire confidence, cannot be outrightly rejected. At any rate, all the said factors would be considered during the course of the trial. The petitioner had admittedly joined the investigation and is not required for further investigation. The entire dispute is based on documents and thus, custodial interrogation of the petitioner is not required.

Before parting with this judgment, this Court would also like to observe that the present case is a case where as per the case of the complainant, he had paid money to the petitioner for getting seven of his

relatives recruited to government jobs in an illegal manner, which brings to the fore the fact that the complainant has, even as per his own version, committed an illegality.

Keeping in view the above said facts and circumstances, the present petition is allowed and the interim order dated 22.02.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

April 04, 2022
Davinder Kumar

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