

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7922-2022 (O&M)
Date of Decision:- 7.3.2022

Manjit Kumar Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. N.S.Sekhawat, Senior Advocate with
Mr. Jagdeep S. Rana, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 126, dated 13.9.2021, Police Station Phase-8, SAS Nagar Mohali, under Sections 420, 465, 468, 471, 120-B IPC (Section 467 IPC and Section 66-D of Information Technology Act, 2000, added later on).
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Hari Kishan along with Manjit Kumar, Bahan Singh, Kuldip Singh @ Foki, Sandeep Kumar, Sumit Kumar, Soni Singh @ Sonu Gujjar, Yogesh and Chota Ram @ Giyani were planning to defraud innocent persons on the pretext of getting them recruited in Punjab Police and in other departments wherein recruitment was being conducted through online process. It is

alleged that the said persons were cheating innocent persons and were collecting huge amount on the pretext of getting them employment.

3. It is the case of prosecution that pursuant to receipt of said information, a raid was conducted at the house of Hari Kishan and upon whose disclosure statement Chanderbhan, Ritika and Neelkamal were arrested. It is further the case of prosecution that 15 admit cards/roll numbers along with one communication device, 1 bluetooth bug and a sum of Rs.8,60,000/- were also recovered from Chanderbhan. Another 17 admit cards/roll numbers along with one communication device, 1 bluetooth bug and one electric cash counter are stated to have been recovered from Ritika. Two mobile phones and one laptop are stated to have been recovered pursuant to disclosure statement made by Neelkamal. The aforesaid persons are stated to have disclosed the names of other accused namely Ajay Dohan, Pardeep alias Kala, Chander Mohan alias CM and Vikas alias Vicky.
4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the FIR is based on vague allegations without there being any reference as to which selection process was going on in respect of which the accused are stated to have defrauded the innocent persons. Learned counsel has further submitted that even as per the reply filed by the State, nothing is forthcoming as regards the evidence collected by the

police against the petitioner, though a specific direction has been issued by this Court vide order dated 24.2.2022.

5. On the other hand, learned State counsel has submitted that sufficient evidence has been collected against the petitioner during the course of investigation and as such he does not deserve the concession of anticipatory bail. Learned State counsel in order to hammer forth his aforesaid submission has drawn the attention of this Court to para No.3 (VI), which reads to the following effect:

“VI. That thereafter, the accused Ritika, Neel Kamal and Chander Bhan were again interrogated on 19/09/2021, who during their interrogation, suffered their respective disclosure statements under section 27 of the Indian Evidence Act and in pursuance to the same, the accused Chander Bhan got recovered 15 admit cards/roll numbers along with one communication device, 1 Bluetooth bug and a sum of Rs.8,60,000/- in cash. Similarly, the accused Ritika got recovered 17 admit cards/roll numbers along with one communication device, 1 Bluetooth bug and one electric cash counter in pursuance to disclosure statement. Similarly, the accused Neel Kamal got recovered 2 mobile phones and one laptop in pursuance to his disclosure statement. The recovery effected from the aforesaid accused persons were taken into police possession, in accordance with law.”

6. I have considered rival submissions addressed before this Court.
7. It is correct that the secret information stated to have been received by the police is rather vague and no particulars are mentioned therein as regards the recruitment process in respect of which the accused had allegedly held out false representations for getting innocent

persons recruited. Infact even in the reply filed today on behalf of the State, there is no reference to the details of any such recruitment process.

8. This Court further finds that although, during the course of investigation, the investigating agency had recovered 15 admit cards/roll numbers from Chanderbhan and another 17 admit cards/roll numbers from the petitioner apart from communication devices, bluetooth etc. but statement of the candidates who had been issued the said roll numbers have not been recorded under Section 161 Cr.P.C. as would be evident from the list of witnesses, annexed with report under Section 173 Cr.P.C., filed against four accused, which has been shown to this Court by learned counsel for the petitioner. A list of the witnesses, annexed with report under Section 173 Cr.P.C. indicates that as many as 12 witnesses have been cited therein including 10 police officials. The other two witnesses are Ritu Gupta who is owner of the building and who is stated to have witnessed the raid in question and the concerned Clerk of the Registration Authority, Barwala, Haryana.
9. The aforesaid position indicates that the police does not have any concrete evidence against the petitioner despite the fact that the matter has been investigated qua four co-accused including wife of the petitioner and the allegations are rather vague. In these circumstances, this Court finds that this is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the petitioner, in the event of arrest, be released on bail subject to his furnishing

personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

7.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No