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

CRM-15424-2022 IN/AND
CRM-M-13636-2021
Date of decision:28.04.2022

PUNEET RALHAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

CRM-15424-2022

The instant application has been filed for seeking permission to place on record Annexure P-6.

For the good reasons, recorded in the application, the same is allowed, subject to all just exceptions.

Main case

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein the present bail petitioner seeks indulgence of regular bail.

2. FIR No.109 of 15.10.2019, constitutes therein offences under Sections 406, 420, 465, 467, 468, 471, 120-B of IPC, and, is lodged at Police Station Division No.3, Jalandhar, therein the incriminatory offences are alleged to be committed by the bail petitioner.

3. The present bail petitioner is alleged to prepare, and, forge documents relating to selection, and, consequent therewith appointment letters, purported to be issued by the Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110069, and, is also alleged to forge by them to ensure the employment of the victim against a public post, and, in respect thereof he is alleged to receive a sum of Rs.1.5 crores.

4. However, the learned State counsel submits, that the appositely forged documents, stand already collected by the investigating officer concerned, during the course of his holding investigations into the FIR (supra). Therefore, except for the bail petitioner, in case he has not already purveyed his admitted writings or specimen writings, to the investigating officer concerned, during the course of the investigation, rather purveying them, hence the investigations into the FIR (supra), are almost complete.

5. Be that as it may, since the quantum of the monetary amounts, as allegedly received by the bail petitioner from the aggrieved-victim, is comprised in a huge sum of Rs. 1.5 crores, which money(ies), entered into the savings bank account of the petitioner herein, besides when , a sum of Rs.6,87,000/- entered into the savings bank account of the wife of the bail petitioner, and, a sum of Rs.2,65,000/- entered into the savings bank account of the father of the bail petitioner.

6. Consequently, this Court deemed it fit, and, appropriate to make an order, on 17.03.2022, upon the present bail petitioner to file an affidavit with respect to his furnishing solvent securities comprised in a sum of Rs.35 lacs. The afore made direction was made not as a measure to ensure the recovery from him, and, at the instance of this Court, to the

aggrieved-complainant, a part of the above allegedly received money, by him from the aggrieved rather, as a *quid pro quo* for his securing for the complainant, a slot in public employment, but only to ensure, that given the afore exorbitant monetary sums allegedly received by the present bail petitioner, from the aggrieved-complainant, rather conspicuously functioning as a security, for realizing therefrom qua the complainant rather any determined compensation amount qua him, in the sentencing order, as, maybe becomes drawn by the learned trial Judge, after maybe a verdict of conviction becomes recorded by him against the petitioner(s), upon, FIR (supra), and, or a pre-condition for this Court proceeding to admit to regular bail the present bail petitioner. Moreover, on 05.04.2022, on the request of learned counsel for the petitioner, the hereinafter order was made.

“1. As prayed for, the order made by this Court, on 17.03.2022, is permitted to be complied with by all concerned, before the learned trial Judge on 12.04.2022. However, all the terms and conditions embodied therein shall be completely enforced by all concerned. The requisite affidavit be ensured to be placed on record, by the date fixed.

2. List on 28.04.2022”

7. The learned counsel for the petitioner has today alongwith CRM-15424-2022, placed on record the asked for affidavit, therein recital occur, that the value of the properties mentioned in the affidavit sworn by the present bail petitioner, becoming carried in a sum of Rs. 36,80,000/- only. Therefore, the order made by this Court, on 17.03.2022 appears to be complied with. If so, a photocopy of the afore affidavit is taken on record, and, the original thereof is directed to be forthwith remitted to the learned trial Magistrate concerned. Since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail

petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, besides when the present bail petitioner stepped into the judicial custody, on 27.09.2020. As such, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

8. Therefore, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of ₹ 1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. The petitioner shall also surrender his passport before the learned trial Magistrate concerned, and, shall also give an undertaking before the learned trial Magistrate concerned, that he shall not leave India without the permission of learned trial Magistrate concerned. Moreover, also with the condition, that the affidavit placed on record alongwith CRM-15424-2022, be forthwith remitted, to the learned trial Magistrate concerned, for his entering satisfaction with respect to the authenticity, and, genuineness thereof. In case the learned trial Magistrate concerned, after probing into the genuineness, and, authenticity of the affidavit appended with the above application, discovers that it is forged, and/or, fabricated recitals occur therein, thereupon, the above made order, shall not become enforced. However, the issue of *prima-facie* money(ies)

being transferred from the victim to the accused for the latter securing for the complainant, hence public appointment, shall always remain open.

9. Copy dasti.

28.04.2022
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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-	Yes/No
<i>Whether reportable:</i>	<i>Yes/No</i>