

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

206

CRM-M-22624-2021

Date of Decision : **March 15, 2022**

PARVINDER KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. S.S.Rangi, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.22 dated 14.2.2020 under Sections 406, 420 and 506 IPC, registered at Police Station Jhansa, District Kurukshetra.

As per the FIR which was lodged against the present petitioner, the petitioner and other accused had met the complainants in and outside the centre for the placements of their candidates. These persons had taken money from various candidates from outside their centre for the placements by inducing them on the pretext of false promise and they have received an amount of Rs.52 lacs. Some details regarding the bank accounts have also been mentioned in the FIR.

In the present case, notice of motion was issued by this Court on 9.6.2021 and the petitioner was granted interim protection subject to joining of the investigation and to abide by all the conditions as provided

under Section 438(2) Cr.P.C.

Today, the learned State counsel has submitted that the petitioner has although joined the investigation but he has not cooperated with the investigation process at all.

Mr. Rangi, learned counsel for the petitioner has submitted that the petitioner in the present case was earlier arrested in another case on 28.1.2020 pertaining to Sections 420 and 406 IPC, FIR No.340 dated 20.9.2019 and he was granted interim bail on 27.3.2020 and the present FIR has been lodged on 14.2.2020 and the police did not take the production warrants of the petitioner in case the custody of the petitioner was required for the purpose of interrogation. He further submitted that the amount which was transferred in the name of the petitioner was ultimately transferred in the name of the owner of the company, namely, Jhita Kalan Consultancy Pvt. Ltd. He submitted that even the petitioner had also filed a complaint under Section 138 of the Negotiable Instruments Act against Kuldeep Singh, who is the owner of the aforesaid Consultancy Company in this regard. He further submitted that the petitioner was only an employee/agent of the aforesaid company and all the appointment letters, if any, were issued by the owner of the company, Kuldeep Singh, who was later on nominated in the present FIR and the petitioner has never issued any letter to any of the candidates. He submitted that the subject matter of the present case pertains to documentary evidence and, therefore, the custodial investigation of the petitioner would not be required.

On the other hand, the learned State counsel has submitted that a detailed reply has been filed in the present case by the DSP, Kurukshetra and while referring to the reply which has been filed by the State, he submitted that it was a case which involved lacs of rupees and a gang was being operated under the patronage of the aforesaid Consultancy Company in which the aforesaid Kuldeep Singh was the owner of the company and the petitioner was an employee/agent of the company. He further submitted that the petitioner alongwith other co-accused were inducing innocent people and were collecting money for providing jobs to them through the aforesaid Consultancy Company out of which most of them pertained to the contractual jobs with the Railways Department. He submitted that it was not only the complainants of the present case but there were many other persons from whom money was collected and thereafter it was misappropriated by the company and so far as the present petitioner is concerned, he was directly instrumental in collecting of the money and an amount of Rs.11 lacs has been received by him from different candidates which, however, according to the learned counsel for the petitioner was transferred to the name of Kuldeep Singh, who was the owner of the company. He further submitted that alongwith the reply, some of the forged and fabricated appointment letters have been attached. The learned State counsel has referred especially to Annexure R-5 wherein some letters are purported to have been issued by Indian Railway Catering and Tourism Corporation Limited in favour of a candidate for his appointment alongwith the stamp and seal but the same was also found to be forged. He submitted that the petitioner and the

other co-accused got money from the various people which may have been ultimately deposited or given to the company itself but it was a case where large scam has been committed across India and, therefore, the petitioner does not deserve the concession of anticipatory bail. He further submitted while referring to the affidavit that the petitioner does not have clean antecedents and he is also involved in another offence of similar type i.e. FIR No.340 dated 20.9.2019 under Sections 420 and 406 IPC, Police Station Madhuban, Karnal in which although the petitioner is now on interim bail. He submitted that apart from the aforesaid, he is also involved in third case which is FIR No.66 dated 6.2.2020, under Sections 406 and 420 IPC of a similar kind and, therefore, considering his antecedents, he is not entitled for the grant of anticipatory bail. He further submitted that although in pursuance of the order passed by this Court on 9.6.2021, the petitioner has joined the investigation but he has not cooperated at all with the investigation process especially in so far as he has not disclosed as to from how money people he has taken money and what was the modus operandi which ultimately led to the issuance of the fake appointment letters and, therefore, for the purpose of elicitation of truth, the custodial investigation of the petitioner is required particularly in view of the fact that the petitioner did not cooperate with the investigation process despite the fact that he was granted interim bail by this Court. He has, therefore, vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsels for the parties.

The petitioner was granted interim protection by this Court but as per the stand taken by the State he although joined the investigation but he has failed to cooperate and disclose any information to the police with regard to the modus operandi and the number of persons from whom the petitioner has taken money, if at all. The State has also disclosed that the petitioner does not have clean antecedents and he is involved in two more cases of similar kind which have been stated as above by the learned State counsel. The magnitude and gravity of this case which pertains to large number of people across India would, therefore, also be a factor for declining the bail to the petitioner.

Without going into the merits of the present case, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition being devoid of any merit is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

March 15, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No