

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-26694-2022 (O&M)
Date of decision: 05.07.2022

PARMINDER ALIAS PARMENDER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.263 dated 15.06.2020 under Sections 406, 419, 420, 467, 468, 471, 120-B and 506 of the Indian Penal Code, 1860 and Section 66(D) of the Information Technology Act, 2000 registered at Police Station City Gohana, District Sonapat.

Brief conspectus of the FIR registered at the instance of Mohit Hooda is reproduced as under:-

“To A. S. P. Gohana. Subject- Legal action to be taken against 1-Sakurati son of Parminder Mo. No.7015286244, 8053653773, 2-Parmindra son of Dharampal resident Vishwakarma Dharamshala Kat Mandi Gohana, District Sonipat Mo. No. 9518697422, 3- Sunny son Surendra resident Ward No. 02FCI Godown Gali, Devipura Baroda Road, Railway Gate Near Gohana Teh 0 Gohana District Sonapat,

Mo. No. 8929797474. Respected Sir, the applicant prays the following- 1- That I am Mohit Hooda son Ramchandra resident Roorkee Tehsil and District Rohtak and is a +2 passed. Applicant had gone to Jwalamukhi District Kaganda, Himachal Pradesh on date 21-1-2019 for the recruitment of Head Constable Ministry (S.S.B.). Where I stayed in Agrawal Dharamshala Jwala Mukhi, I met Sunny son Sarendra and he said that I know Lt. Sakurti who is posted in Army Bhawan in Army. Who has got my brother appointed in the army for 5 and a half lakh rupees. Which Sunny showed me his brother's joining letter and railway ticket, due to which I believed in him. Then he told me that I can also get you appointed after talking to Sakurati. On which he said that he will take 6 and a half lakh rupees. On which upon believing him I said yes, then he said, that 2 lakh rupees have to be given in advance, then I gave 2 lakh rupees to Sunny on 18-2-2019, who gave 2 lakh rupees to his house after talking Sakurti. on 21-02-2019 I went to Madhavpur to participate in recruitment process at the behest of Sunny. After 2-3 days, Sunny got a call that your physical and medical has been cleared. Now you send all your documents to my mail ID, which I have to send to Sakurti and he said that you are tested on 7th April 2019 in Territorial Army Center. Now You don't talk to Sunny after this, whatever you want to talk to me, you give us the outstanding money of Rs.4 and a half lakh. On which I put the rest of the money in account no. 33994303588, branch S.B. 0, on which the accused said that you do not need to go to the test. I will get your test done by my man. After that I got a call from accused Sakurti that your work is done. After that final list came on 23rd May 2019. In which my name was not found, upon this I talked to Sakurti, then she said that wait for a few days, another list will be come. Then you will get joining letter and batch no. he always says wait for few days new list will come soon. After

that I met Parminder, who is Sakurati's father, he said that my son has taken money of two more boys, your name will come with them. In this way the accused kept. procrastinate me and when I asked for return back my money, the accused threatened to kill me. After that, through my lawyer Surendra Kumar Verma, I sent a legal notice to the accused on 26.12.2019 but no response came from them. 2. That the accused have cheated me by taking money in the name of getting me appointed and my money has been robbed and has threatened to kill me. This money has been transferred from his father Ramchandra's account to Sukriti's account. on 14-1-2020 I had made the complaint, which was marked to the police station city Gohana, then Sukriti's father gave a cheque of Rs 6,45,000 in the form of a settlement, which was to be cleared by the date 30-04.2020, which was not allowed by the above check to be cleared by the accused or they have cheated many persons in the name of recruitment. Those who went to his house many times, Ashish's son Azad resident Gamdi has also given him a lot of money in the name of recruitment, who himself will tell how much money he has given and has given him fake joining letter to get the job and telling himself lieutenant that the whole conspiracy has been hatched by Sukriti's grandmother. Some of the amount has been taken by mother and grand mother of Sukriti Therefore, it is requested to take strictest legal action against the above accused and justice should be done with me. Date 03-06-2020 Applicant SD MOHIT HOODA”

Learned counsel for the petitioner contends that as a matter of fact, the issue arises *inter se* amongst Sunny and Sakurti and that when the matter was brought to the notice of the petitioner being father of the Lt. Sakurti, he issued a cheque for the amount alleged to have been advanced in order to amicably resolve the issue and not to prolong the dispute. The cheque so presented was dishonoured whereafter the name of the petitioner was roped in the present case even though he

had no involvement in any of the incident. He further contends that there was no assurance or inducement made by the petitioner nor any amount was handed over to the petitioner as a result of such inducement extended by him. It is further submitted that the petitioner was arrested on 21.12.2021 and that he is not involved in any other case.

Learned State counsel submits that an amount of Rs.10,000/- was recovered from the petitioner which shows his active participation. He however could not dispute that no inducement was made by the petitioner and that no money was delivered to the petitioner by the complainant or any person who claims to have been cheated on the pretext of securing job in the army. It is also not disputed that the petitioner does not suffer from any criminal antecedents and the investigation in the case is complete.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the role attributed to the petitioner and the fact that the prosecution evidence is yet to commence, clear antecedents of the petitioner as well as period of custody, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on

the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 05, 2022

S.Sharma(syr)

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