

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33428-2021
Reserved on: 08.08.2022
Date of Pronouncement: 08.09.2022

Manoj Kumar
...Petitioner (s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. J.S. Lalli, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

Mr. Pawan Attri, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
500	15.12.2020	Civil Lines, Karnal	406, 420 and 506 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 11 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	460	5.6.2019	420, 467, 468, 471, 506 IPC	City Panipat

3. The complainant alleged that the petitioner be-fooled her by taking money from her on the pretext of providing a government job to her and other boys through the complainant in Haryana Bijli Vitran Nigam.
4. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause

an irreversible injustice to the petitioner and family.

5. While opposing the bail, Ld. counsel representing the State contends that given the criminal past, the accused is likely to indulge in crime once released on bail, and sought the custodial interrogation.

REASONING:

6. In Paramjeet Singh v. State of Punjab, CRM-M 50243 of 2021, this court observed,

While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

7. The petitioner allegedly took money from the complainant under the pretext of providing a government job to her, and on failure, handed over cheques to her, which also bounced. It would be appropriate to refer to the relevant part of paragraph 4 of the reply filed by the State, which reads as follows:-

“4. That after registration of the case, initially the investigation was carried out by Jagbir Singh and thereafter SI Ravinder Singh investigated the matter, who during the course of the investigation had taken pen drive containing the audio recording of the conversation between the accused No.1 Manoj Kumar and the complainant, four pages of interview letter of Electricity Department, Fake interview letter of State Election Commission, one page of fake interview letter of Home Minister, Delhi, affidavits, Aadhar Card, photographs of Bikaner House Delhi, bank statement, etc. from the complainant vide discloser memo. Statement was of witnesses recorded separately. During further investigation on 01.03.2021, the forged joining letter of Parveen Kumar wife of Jitender, resident of Village Padha was also obtained by the Investigating Officer from the State Election Commission.....”

8. The sly manner in which the petitioner took money for providing a government job points out the dangerous trend of the revival of *thuggee* by revisiting the history. When a person takes money for getting a government job, such an accused is not entitled to any bail except on the grounds of prolonged pre-trial incarceration. Thus, given the nature of the allegations and the gravity of the offence, the petitioner is not entitled to anticipatory bail. Apart from this, the petitioner’s criminal past does not entitle him for any bail.

9. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for anticipatory bail under section 438 CrPC.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed. Order dated 09 Nov 2021, of interim bail and all other orders of interim bail are immediately recalled. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

September 08, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.