

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

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**CRM-M-29733-2022 (O&M)
Date of decision: 19.07.2022**

MUKHTIAR CHAND

....Petitioner(s)

Versus

UT CHANDIGARH

...Respondent(s)

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

Present : Ms. G.K. Maan, Sr. Advocate with
Mr. Gursewak Singh, Mr. Sagalvir Maan, Mr. Gursharan Singh and
Ms. Simrat Kaur, Advocates
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor for UT Chandigarh.

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.379 dated 02.12.2019 under Sections 420, 467, 468, 471 and 511 of the Indian Penal Code, 1860 registered at Police Station Central Sector 17, District Chandigarh.

The instant case has been registered on the statement of one Rajinder Kumar, who is posted in the office of Deputy Commissioner, UT Chandigarh. The relevant extract is reproduced as under:-

“The Deputy Commissioner U.T Chandigarh. To the Senior Superintendent of Police U.T Chandigarh memo no. OS/DC/2019/29130 dated Chandigarh The 25/11/2019

Subject:- Joining letter the post of Data Entry Operator in DC office Chandigarh, enclosed please find herewith a copy of letter ref. No. SUP/CH/CO/28193-29,dt.16/11/2019 issued in favour of Sh. Mukhtiar Chand of joining in the office of deputy commissioner, Estate Officer Sector 17 Chandigarh as Data Entry Operator. In this regard, it is intimated that no such letter has been issued by this office. You are therefore, requested to investigate the matter and take necessary action accordingly. For the deputy commissioner U.T Chandigarh.

Learned Senior counsel appearing on behalf of the petitioner contends that the petitioner is rather a victim of circumstances as being a graduate and unemployed he was on search for a job. One person namely Harman claiming to be working in the office of Deputy Commissioner met him through a common friend. An alluring offer was made to the petitioner that there is a vacancy of Data Entry Operator in the office of Deputy Commissioner, Chandigarh and that in case the petitioner is ready and willing to pay an amount of Rs.1.50 lakhs, the said job can be secured for the petitioner through the other co-accused namely Malkiat and Manjeet who were stated to be highly placed and well connected. She further contends that an admit card was purportedly received by the petitioner and that he was asked to appear for an interview on 15.11.2019 when a lady met him in the office of Deputy Commissioner, Chandigarh and informed him that his job is done and he can collect the appointment letter on 16.11.2019.

On the next day, i.e., on 16.11.2019, when the petitioner came back to the office of Deputy Commissioner, Chandigarh and a letter of appointment was handed over to him by one Sikh gentleman who was not known to the petitioner and he was directed to report for joining on 19.11.2019. On the said date, the aforesaid fraud was detected. The matter was informed to the Police whereupon

the petitioner was detained and was interrogated pursuant thereto and permitted to go. He has now been arrested on 27.05.2022 and is currently in judicial custody since 30.05.2022 and has been in actual custody for 01 month 20 days. It is further submitted that the petitioner does not suffer from any criminal antecedents.

Learned Public Prosecutor appearing on behalf of the UT Chandigarh has pointed out that the petitioner has undisputedly paid a sum of money to secure public appointment by ill-gotten means and as such he cannot claim to be a victim. He further contends that the co-accused of the petitioner namely Malkiat Singh, Manjeet Singh, Harman and others who may be part of the entire conspiracy are yet to be arrested. It is further submitted that there is forgery of letter of appointment and as such serious and heinous offence has been committed by the petitioner. It is however not controverted that the petitioner does not suffer from criminal antecedents and he is already in judicial custody and hence his continued incarceration is not likely to promote any further investigation.

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

Taking into consideration the circumstances noticed above and clean antecedents as well as period of custody already undergone by the petitioner, 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 19, 2022

S.Sharma(syr)

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