

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

CRM-M No.33273 of 2022

Date of Decision: 12.09.2022

Subhash Chander Goswami

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Ankit Chahal, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.367 dated 02.07.2022 registered at Police Station Jind Sadar, District Jind, under Sections 420, 467, 468, 471 and 506 IPC, the petitioner has preferred the instant petition for seeking the relief of pre-arrest/anticipatory bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by informant Dharambir in the subject FIR, are that he had met the petitioner in the Grain-Market, Jind and the petitioner had told him that his son, i.e his co-accused Amit, was an Army Officer and he could get his (informant's) son named Sahil employed as the LDC in the Army on the payment of Rs.6 lac. Thereafter, he requested the petitioner and his said

co-accused to secure the employment for his son Rahul and relative Mohit also, in the Army and he had paid the total amount of Rs.18 lac to the petitioner and his co-accused for the afore-said purpose but they did not provide any joining/appointment letters for his sons and the said relative and later-on, he came to know that no process for such recruitments, as assured by the petitioner and his co-accused, was going on nor was conducted. Then, he asked the petitioner for the refund of the above-said amount but he (petitioner) threatened him with dire consequences.

3. Status-report on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Jind (Detective), along-with Annexure R-1 and the vernacular version thereof, has been submitted in the Court today and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner had not received any amount from the informant on the pretext of getting his sons and the afore-named relative employed in the Army and thus, he had not played any role in the alleged crime but he has been got falsely implicated in this case on account of his being the father of his above-said co-accused and in these circumstances, he (petitioner) deserves the relief as prayer for in the instant petition.

6. Per contra, learned State counsel argues that the petitioner has actively participated in the commission of the offence and has received the

total amount of Rs.7.7 lac from the informant and in view of the nature of the offence committed by him, this petition be dismissed.

7. As per the allegations as levelled by the informant in the FIR, it was the petitioner who had first met him in the Grain-Market and had told him that his (petitioner's) son, i.e accused Amit, was an Army Officer and he could secure the job for his sons and the said relative on payment of Rs.6 lac for each of them and had received the amounts of Rs.1.7 lac and Rs.6 lac from the informant on this pretext, on two different occasions. At this stage, the petitioner has not denied the factum of his son, i.e his above-named co-accused, being an Army personnel. The contention regarding the false implication of the petitioner in this case, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be ascertained at the stage of deciding the present bail petition.

8. Keeping in view the afore-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

September 12, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>