

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

Date of Decision: 28th September, 2022

1. **CRM-M-52427-2021**

Avtar Singh @ Kalu

... Petitioner

Versus

State of Haryana

... Respondent

2. **CRM-M-50972-2021**

Ravinder Jangra

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Mohit, Advocate for
Mr. Aman Pal, Advocate and
Mr. D.S. Virk, Advocate for the petitioner(s).
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. These two petitions are filed seeking bail in case FIR No. 252, dated 28th August, 2021, under Sections 170, 177, 419, 120-B read with Section 34 of Indian Penal Code, 1860, registered at Police Station Urban Estate Hisar, District Hisar.

2. Learned counsel for the petitioners rely upon the fact that co-accused who was the beneficiary of the incident was granted bail by this Court vide order dated 8th September, 2022. It is further argued that the petitioners are in custody for more than one year, investigation is complete, no further recovery is to be made.

3. Co-accused was granted bail by passing the following order:-

“1. *Present petition has been filed under Section 439*

Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.252 dated 28.08.2021, registered for the offences punishable under Sections 170, 177, 419, 120-B and 34 of IPC at Police Station Urban Estate, Hisar, District Hisar.

2. As per the allegations levelled in the FIR it was stated that:-

“One letter was received at Police Station, wherein it was observed that Shri Baldev Raj Mahajan, Advocate General, Haryana, apprised the Hon'ble Chief Justice of Punjab and Haryana High Court that a person, who is claiming himself to be Sh. Ravinder Sharma, Special Secretary to the Hon'ble Chief Justice, called Sh. Balkar Singh, Managing Director, Dakshin Haryana Bijli Vitran Nigam, from mobile number 93505-18297 and said that Hon'ble Chief Justice wants to talk with you. The said person impersonating himself as the Hon'ble Chief Justice of Punjab and Haryana High Court asked the Managing Director Sh. Balkar Singh to reinstate Sh. Balwan Singh (petitioner), Assistant Lineman, who was dismissed from the job for being convicted under section 354 IPC and 8 of POCSO Act. Petitioner, Ravinder, Avtar Singh and Balraj Singh were questioned and the statements were recorded. Apart from this, information was obtained from Cyber Cell Office of Superintendent of Police, Hisar, regarding mobile number 93505-18297 and 98961-41545 during investigation. It has been found from the statements made and the information obtained from the cyber cell that petitioner had joined the Sub Division, Ratia on 12-5-2010 as ALM in the Electricity Department. Petitioner was transferred to Sub Division, Bhattu Kalan after six months. On 1st March, 2013 one case no. 115 dated 01.03.2013 was registered under Section 354 IPC and POCSO Act at Police Station Sadar Fatehabad and he was arrested on the same day in the case. In that case on 11th April, 2013, petitioner was sentenced to 5 years imprisonment and Rs. 5 thousand fine from Fatehabad Court and he was in jail for 8 and a half months. He was released on bail from Hon'ble High Court Chandigarh on 14-11-2013. On 21.12.2013, he had filed an application in the Hon'ble High Court for restoration of his job but was dismissed from service on 28.01.2014. On 02nd June, 2017, Hon'ble High Court stayed the conviction and the petitioner has filed CWP No. 18991-2018 in the Hon'ble High Court, Chandigarh, in which the next date of hearing is stated to be fixed for 12th November 2021 and the petitioner had talked with one Ravinder for restoration of his job. Said Ravinder had talked to Avtar Singh for restoration of job of the petitioner and by contacting Avtar Singh from his mobile No. 9485857777 on Avtar Singh's mobile No. 9896141545, he sent the documents of the petitioner on WhatsApp, Avtar Singh called back and told Ravinder that I have spoken to Balkar Singh, IAS,

Managing Director of Electricity Department, Hisar and your work will be done. Ravinder and the petitioner had met with Sh. Balkar Singh, Managing Director of Electricity Department, Hisar. Besides above, enquiry was also got done from Cyber Cell, office of Superintendent of Police, Hisar regarding mobile No. 93505-18297 and 98961-41545 then from enquiry it has found that mobile No. 93505-18297 is in the name of Avtar Singh and mobile no. 98961- 41545 is also in the name of Avtar Singh From the perusal of call detail and tower location that the tower locations of mobile Nos. 9350518297 and 9896141545 have also been found to be the same. The mobile No. 9350518297 has been found to be used only for calling to the officials and the mobile No. 9896141545 has been found to be used for contact with the workmen and in general use. From the perusal of the above two numbers, both the numbers have been found to be used by the same person. It has been found from the above facts revealed during the investigation that as per the description given in the letter dated 12-8-2021 received that Avtar Singh and his accomplices using mobile No. 9350518297 and 9896141545 had contacted Sh. Balkar Singh, Managing Director, Dakshin Haryana Bijli Vitran Nigam, from mobile No. 9350518297, claiming themselves to be Sh. Raviner Sharma, Special Secretary to the Hon'ble Chief Justice, to get the petitioner in the job that Hon'ble Chief Justice will talk to you, after that talker's accomplice impersonating himself as Hon'ble Chief Justice of Punjab and Haryana High Court and asked Managing Director Sh. Balkar Singh, Managing Director, to reinstate Balwan Singh, Assistant Lineman. At that time the location of the said mobile has been found to be of Punjab State. Therefore, by impersonating themselves as a special secretary of Hon'ble Chief Justice and Hon'ble Chief Justice, Avtar Singh, petitioner-Balwan Singh, Ravinder and others have done the work of pressurizing the M.D., DHBVN to do immoral acts by bringing him under unethical and illegal influence and pressure.”

3. Counsel for the petitioner submits that so far as impersonation is concerned, there is no allegation against the petitioner. The said allegation is against co-accused Avtar Singh. The petitioner is alleged to be beneficiary of the alleged misrepresented call made by co-accused Avtar Singh. He further submits that investigation is complete. Challan already stands presented and thus the continuing incarceration of the petitioner would not be of any purpose.

4. Mr. Jain submits that there are serious allegations against the petitioner and dehors the fact that the allegations w.r.t. The misrepresentation/impersonation were not levelled against the petitioner, the fact remains that misrepresentation was only with an intent to benefit him.

5. I have considered the submissions made by counsel for the parties and have gone through the records of the case.

6. It is not disputed that the allegation w.r.t. The

misrepresentation is not against the petitioner. Investigation already stands concluded and the challan has been presented. Only 2 witnesses out of 21 cited witnesses have been examined and the trial is not expected to conclude soon.

7. Keeping in view the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned in the present case.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.”

4. Learned State counsel opposes the prayer and submits that Avtar Singh is involved in one more case. She tries to distinguish the case of the petitioners vis-a-vis the co-accused so far as grant of bail is concerned on the ground that co-accused was the beneficiary whereas the petitioners impersonated were while making the call.

5. Without commenting upon the merits of the case, no recovery is to be made, the beneficiary of the incident has been granted bail, out of twenty-one prosecution witnesses two have been examined, conclusion of the trial is likely to take time, petitioners are granted bail, subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

6. The petitions are allowed.

7. Photocopy of this order be placed on the files of connected case.

(AVNEESH JHINGAN)
JUDGE

28th September, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No