

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54559-2021 (O&M)
Date of Decision:-9.3.2022

Chanderbhan ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Ghuman, Advocate for the petitioner.

Mr. M.S. Dullat, Addl.A.G., Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0126 dated 13.9.2021, Police Station Phase-8, District S.A.S. Nagar under Sections 420, 465, 468, 471, 120-B of Indian Penal Code and Section 66-D of IT Act, 2000.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Hari Kishan along with Manjit Kumar, Bahan Singh, Kuldip Singh @ Foki, Sandeep Kumar, Sumit Kumar, Soni Singh @ Sonu Gujjar, Yogesh and Chota Ram @ Giyani were planning to defraud innocent persons on the pretext of getting them recruited in Punjab Police and in other departments wherein recruitment was being conducted through online

process. It is alleged that the said persons were cheating innocent persons and were collecting huge amount on the pretext of getting them employment.

3. It is the case of prosecution that pursuant to receipt of said information, a raid was conducted at the house of Hari Kishan and upon whose disclosure statement Chanderbhan, Ritika and Neelkamal were arrested. It is further the case of prosecution that 15 admit cards/roll numbers along with one communication device, 1 bluetooth bug and a sum of Rs.8,60,000/- were also recovered from Chanderbhan. Another 17 admit cards/roll numbers along with one communication device, 1 bluetooth bug and one electric cash counter are stated to have been recovered from Ritika. Two mobile phones and one laptop are stated to have been recovered pursuant to disclosure statement made by Neelkamal. The aforesaid persons are stated to have disclosed the names of other accused namely Ajay Dohan, Pardeep alias Kala, Chander Mohan alias CM and Vikas alias Vicky.
4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the FIR is based on vague allegations without there being any reference as to which selection process was going on in respect of which the accused are stated to have defrauded the innocent persons.
5. On the other hand, learned State counsel has submitted that sufficient evidence has been collected against the petitioner during the course of investigation and as such he does not deserve the concession of regular bail. Learned State counsel has submitted that the factum of recovery of 15 admit cards/roll numbers alongwith one communication device, 1 bluetooth bug and a sum of Rs.8,60,000/- in cash at the instance of petitioner Chanderbhan,

would clearly show his complicity. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 5½ months. It has also been informed that the petitioner is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. It is correct that the secret information stated to have been received by the police is rather vague and no particulars are mentioned therein as regards the recruitment process in respect of which the accused had allegedly held out false representations for getting innocent persons recruited.
8. This Court further finds that although, during the course of investigation, the investigating agency had recovered 15 admit cards/roll numbers from petitioner Chanderbhan and another 17 admit cards/roll numbers from the co-accused Ritika apart from communication devices, bluetooth etc. but statement of the candidates who had been issued the said roll numbers have not been recorded under Section 161 Cr.P.C. as would be evident from the list of witnesses, annexed with report under Section 173 Cr.P.C., filed against four accused, which has been shown to this Court by learned counsel for the petitioner. A list of the witnesses, annexed with report under Section 173 Cr.P.C. indicates that as many as 12 witnesses have been cited therein including 10 police officials. The other two witnesses are Ritu Gupta who is owner of the building and who is stated to have witnessed the raid in question and the concerned Clerk of the Registration Authority, Barwala, Haryana.
9. The aforesaid position indicates that the police does not have any concrete evidence against the petitioner despite the fact that the matter has been

investigated qua four co-accused and the allegations are rather vague. Identically situated co-accused Ritika, from whom 17 admit cards and other communication device had been recovered and also co-accused Manjit Kumar have already been granted bail by this Court vide order dated 23.12.2021 passed in CRM-M-49959 of 2021 and vide order dated 7.3.2022 passed in CRM-M-7922 of 2022. The petitioner has been behind bars for a substantial period of 5½ months and is not stated to be involved in any other case. In these circumstances, further detentaion of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No