

CRM-M-26217-2022

-1-

212

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26217-2022

Date of decision : 29.03.2023

GURBIR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jatinder Nagpal, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 of Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.106 dated 30.07.2019 registered under Section 420 IPC at Police Station Urban Estate, District Patiala.

2. The brief facts of the case are that the complainant-Sucha Singh filed a complaint stating that he was working in the maintenance wing of the Punjabi University, Patiala. One Rani was working as a servant in the hostel and introduced him (complainant) to the petitioner stating that he (petitioner) was like a brother to her (Rani). He had good connections with senior officials and ministers and had got appointed her (Rani's) grand-son as a Clerk/Sewadar in the High Court. If he (complainant) wanted to get his son appointed, Gurbir Singh (petitioner) could get the same done. Subsequently, he (complainant) handed over the education certificates of his (complainant's) son to Gurbir Singh

CRM-M-26217-2022

-2-

(petitioner) who got signed some blank papers from his (complainant's) son. A sum of Rs.1,00,000/- was demanded by Gurbir Singh (petitioner) out of which Rs.75,000/- was paid in advance. Thereafter, one Chandan Singh also paid money to Gurbir Singh (petitioner) and Rani for a job for his sons Sandeep and Sanjay. A further sum of Rs.14,000/- was paid to the petitioner and similar amount was paid by Chandan Singh on behalf of his sons. Thereafter, an amount of Rs.3400/- per candidate was deposited at the instance of the petitioner and Rani for a dope test. However, despite making the payments, no job was provided to his (complainant's) son or the sons of Chandan Singh. In fact, the documents and blank signed papers were retained by the petitioner. Legal action was sought against the petitioner and his co-accused and the instant FIR came to be registered.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. In fact, the instant FIR is a counter-blast to the complaint initiated by the petitioner against the present complainant-Sucha Singh and others. Initially, a cancellation report had been prepared in the present case but the complainant had been able to get filed a final report in the instant FIR. Despite specific allegations being levelled against Smt. Rani, she has not been made an accused thereby falsifying the entire prosecution case. As the petitioner was in custody since 23.04.2022, he was entitled to the grant of regular bail.

4. On the other hand, the learned State counsel contends that the allegations against the petitioner are grave. He has duped the complainant and certain other persons of a huge money on the pretext of providing them Government jobs. The petitioner is an accused in more than 10 cases of a similar nature. Therefore, in view of the criminal antecedents of the petitioner, he was not entitled to the grant of regular. In addition, she contends that the contention of the petitioner that he was entitled to the interim bail on account of his medical condition was not borne out from the record as he was initially hospitalized but was discharged in a totally stable and satisfactory condition though medicines were prescribed to him.

5. I have heard the learned counsel for the parties.

6. Admittedly, the allegations against the petitioner are extremely grave. He is involved in multiple cases of a similar nature as is borne out not only from the impugned order but also from the custody certificate filed in Court today. In view of his criminal antecedents, there is a very good possibility of the petitioner absconding from justice in case, he is granted the concession of regular bail. Even otherwise, 05 prosecution witnesses already stand examined out of 14 cited in the list of witnesses. Therefore, the Trial of the present case is likely to be concluded soon.

7. In view of the aforementioned discussion, I find no merit in the present petition and the same is hereby dismissed.

CRM-M-26217-2022

-4-

8. However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the Trial Court is free to adjudicate upon the matter in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

29.03.2023
JITESH