

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-31925-2023

Date of decision: 08.08.2023

Harpreet Singh @ Happy

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.932 dated 04.06.2023 under Sections 180, 201, 218, 409, 420, 467, 468, 471 and 120-B of the IPC, registered at Police Station Civil Lines, Karnal, District Karnal.

2. Originally an FIR No.286 dated 08.04.2022 under Section 420, 467, 468, 472 and 120-B of the IPC at Police Station Sadar Karnal was registered against one Yogesh @ Golu for allegedly driving a Volvo Bus with a fake number plate. After being remanded to judicial custody, said Yogesh @ Golu wrote a letter to Superintendent, District Jail, Karnal which then formed the basis of the registration of the instant FIR i.e. FIR No.923 dated 04.06.2023. As per the allegations levelled in the FIR in question, Yogesh @ Golu (hereinafter referred to as, 'complainant') was a drug addict and had been taken into custody on

a number of occasions. His financial condition was not good and thus he was in desperate need of money. The petitioner along with co-accused Sonu lured the complainant by promising him an amount of ₹50,000/- to stand as an accused in FIR No.286 dated 08.04.2022, in order to save one Nitesh from being proceeded against as an accused in the aforesaid FIR. Pursuant thereto, the complainant was produced by the petitioner before ASI Gurmeet Singh who arrested him and took into into custody in FIR No.286 dated 08.04.2022. An assurance was also given to the complainant that it would be only a matter of time before he would be got released from the custody in that case. However, since the petitioner and his co-accused failed to get him released as promised, the complainant wrote the letter in question to the Superintendent of District Jail, Karnal, detailing the entire conspiracy hatched by the petitioner and others, resulting in the lodging of the FIR in question. During investigation, it was uncovered that one Advocate Shubham Kalia had fabricated an antedated agreement in order to save above said Nitesh, accused, in FIR No.286 dated 08.04.2022.

3. Learned counsel for the petitioner submits that a totally false case has been planted upon the petitioner. He submits that the petitioner was not even remotely connected with the co-accused nor any money had exchanged hands between him and the co-accused. Learned counsel submits that there is no allegation against the petitioner of having paid any money to the complainant in furtherance of the criminal conspiracy in question, rather the allegation of having paid ₹25,000/- was against co-accused Sonu Khan. Learned counsel has further submitted that as far as offence under Section 467 of the IPC is

concerned, a perusal of the FIR reveals that there is no allegation levelled therein that the petitioner had any knowledge of the agreement which had been fabricated to benefit co-accused Nitesh. It has still further been vehemently argued that the main conspirator i.e. co-accused Shubham Kalia, who is an advocate and had allegedly prepared the forged and antedated agreement to save co-accused Nitesh in FIR No.286 dated 08.04.2022, had since been extended the concession of regular bail by the Court of Learned Additional Sessions Judge, Karnal. Learned counsel further submits that the other co-accused namely Rajinder Singh, Amit Khurana and Shashikant Datta have since been granted interim anticipatory bail by the Court below itself. Learned counsel has thus argued that the case of the petitioner was at a much better footing than that of the co-accused who had been extended the concession of bail by the Court below and, therefore, he too deserved to be extended the concession of anticipatory bail.

4. Per contra, while vehemently opposing the prayer and submissions made by the counsel opposite, learned State counsel on instructions from ASI Vikas, has asserted that the petitioner had played a key role in the crime in question. It was the petitioner who had asked the complainant to remain inside jail by standing as an accused in FIR No.286 dated 08.04.2022 in lieu of an amount of ₹50,000/-. Further, it was the petitioner who had then presented the complainant before one ASI namely Gurmeet Singh, who was none other than the petitioner's own relative. Said ASI Gurmeet Singh despite being fully aware that the complainant had no connection with FIR No.286 dated 08.04.2022, proceeded to arrest him just to benefit co-accused Nitesh in the said

FIR. Learned State counsel has further submitted that the petitioner was a beneficiary of the amount received from said Nitesh and hence had played a vital role in furtherance of the criminal conspiracy. Learned State counsel has thus vehemently urged that the instant petition be dismissed as custodial interrogation of the petitioner was required, moreso, since he is a man of criminal antecedents and was involved in 06 other criminal cases, though acquitted in three of them.

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

6. Prima facie there are grave and serious allegations against the petitioner of being an active participant in the crime in question. The petitioner in order to save one Nitesh who was an accused in FIR No.286 dated 08.04.2022, conspired with the co-accused to lure the complainant to stand as an accused in the abovesaid FIR, by taking advantage of his precarious financial condition. In addition, money was paid to the petitioner by accused Nitesh in furtherance of the criminal conspiracy. This Court thus, concurs with the submissions made by the learned State counsel that the petitioner be not enlarged on anticipatory bail as there was a likelihood that he could abscond or even try to tamper with material evidence. It also needs to be noticed here that firstly the petitioner is involved in some other criminal cases and furthermore he cannot seek parity with co-accused Shubham Kalia, as he had been extended the concession of regular bail and not anticipatory bail. Hence, in the facts and circumstances, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner.

CRM-M-31925-2023

7. Accordingly, the instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.08.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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