

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

CRM-M-32267-2023

Date of decision : 13.07.2023

Surender Singh Shekhawat

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohinder Singh Mehra, Advocate and
Mr. Ram Singh Chaudhary, Advocate and
Mr. Anil Kumar, Advcoate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.101 dated 20.02.2021 registered under Sections 420, 465, 467, 468, 471, 474, 120-B and 201 of Indian Penal Code at Police Station City Narnaul, District Mahendragarh, who is in custody since his arrest on 02.04.2021.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Narnaul in the order dated 23.08.2022 are as under:-

“In brief, the prosecution case is that on 20.02.2021, a complaint bearing No.2563-PG dated 18.11.2020 of complainant Sher Singh son of Ranjeet Singh, resident of village Nangal Sirohi was received in the police station with allegations that “he was farmer by occupation and accused, namely, Surender Singh Sekhawat, Rahul, Sachin and Bishan were shrewd, fraudsters and cheater kind of people who, in connivance with each other, used to be-fool innocent villagers on the pretext of false promise of providing job/employment. Daughter of Surajbhan son of Sheo Lal resident of village Raghunathpura, Tehsil Narnaul was married in their family, so, he and Surajbhan enjoyed healthy relations with each other and had visiting terms with him. Around 22/23.07.2019, he was visiting the house of Surajbhan in connection with his personal affair and in his presence, Rahul son of Surender Singh Sekhawat called Surajbhan on telephone, saying that his father was asking as to whether Rs.5 lakh and documents were ready so that they could come to collect the same. Surajbhan asked for two days time and thereafter, on his inquiry, told him that Surender Singh Sekhawat had acquaintance with high ups in Delhi who provided job after taking Rs.7 lakh per child, out of which, Rs.4 lakh were being taken in advance and remaining Rs.3 lakh were received at the time of delivery of appointment letter. Surajbhan also told him about his close associate, namely, Bishan who owned responsibility for this money. Later on, after meeting with said Bishan as well as Surender Singh Sekhawat and believing their words, he

collected requisite amount for securing job for five person, namely, Deepak, Ravi Kumar, Ramkishan, Daan Singh and Jitender and then, on 30/31.07.2019, he gave Rs.5 lakh as advance money to Surender Singh Sekhawat and his son Rahul in presence of Suraj Bhan and one Devdutt near Panchayat Bhawan, Narnaul after Surajbhan handed over Rs.7 lakh to Surender Singh Sekhawat and his son Rahul as advance for his own candidate. On 06.08.2019, on telephonic information of Surender Singh Sekhawat that recruitment process had been put in motion, he further gave Rs. 15 lakh to Surender Singh Sekhawat and his son Rahul in presence of his companions/relatives, namely, Rajpal, Sadhram and Surajbhan at Subhash Park, Narnaul. Then, after 4/5 days, Surender Singh Sekhawat told him on telephone that their appointment letters were ready and demanded remaining Rs.15 lakh, upon which, he and his relatives arranged said amount and they alongwith Suraj Bhan, Birender and Devdutt met Surender Singh Sekhawat and his other son Sachin in front of Panchayat Bhawan, Narnaul where Suraj Bhan, Birender and Devdutt gave remaining Rs.9 lakh to Surender Singh Sekhawat who then handed over to them three appointment letters for their three children, which were duly stamped and signed, by representing the same to be original. Surender Singh Sekhawat promised to accompany them at the time of their respective joining. The appointment/joining letters were for the date of joining on 18.08.2019. He (complainant) also gave remaining amount of Rs.15 lakh to Surender Singh Sekhawat in presence of Suraj Bhan, Bijender and Devdutt and received five appointment letters of five persons in similar manner from him. Later on, when the time of joining came near, they tried to contact Surender Singh Sekhawat telephonically but he did not answer their call. They even visited his house but to no avail. During that visit, they came to know about fraudulent antecedents of Surender Singh Sekhawat from the villagers, however, when they again went to his house on the same day, wife of Surender Singh Sekhawat and his son Sachin assured them about genuineness of appointments and even got Surender Singh Sekhawat to talk with them on their telephone who asked them to meet him in Rewari on 18.08.2019 at 6:00 A.M. from where he would accompany them to the place of joining but again, neither Surender Singh Sekhawat met them, as arranged, nor picked up their call so they returned home with their children without joining. When contacted, their mediator Bishan assured them that he would get returned their money with interest. On 22.3.2020, he alongwith Rajpal and Sadhu Ram went at the house of Surender Singh Sekhawat without informing him. During that visit, Surender Singh Sekhawat and his sons gave one cheque bearing No.771709 dated 26.11.2020 of Rs.35 lakh to be drawn at State Bank of India, Branch Satnali and promised to informed them in advance after he deposited sufficient funds in his account so as to enable them to encash the cheque but Surender Singh Sekhawat was neither answering their mobile call nor refunding their money and finally, on previous day, he flatly refused to return the money. He also threatened that in case they initiated any police action against them, then he would get them killed. It was thus prayed to take strict legal action against the culprits who conspired with each other and prepared forged and fabricated appointment letters with dishonest intention to grab money illegally from them". On this complaint, formal FIR under Sections 420/465/467/468/471/474 IPC was registered. Investigation was launched. The statements of concerned witnesses under Section 161 Cr.P.C. were recorded. During investigation, after collecting sufficient incriminating material, the applicant-accused alongwith co-accused, namely, Sandeep was arrested and Rs.1 lakh, which formed part of money taken from the complainant and others, was recovered in pursuance of disclosure statement of applicant. Subsequently, on the basis of further investigation, Sections 120-B/201 IPC were added. Allegations were also verified by SI/SHO Kripal Singh and, consequent upon verification of allegations, co-accused, namely, Rahul, Sachin and Bishan were found innocent. Investigation having already been completed qua the applicant and co-accused Sandeep, challan report under Section 173 Cr.P.C was filed in the court against them for trial."

Learned counsel for the petitioner has submitted that after framing of

charges on 29.09.2021 only two witnesses have been examined out of 11 prosecution witnesses. He has further produced the copy of the order dated 11.10.2021, whereby co-accused, namely, Sandeep has been released on regular bail by this Court. According to him, trial will consume time to conclude, therefore, further custody of the petitioner may not be justified. He prays for bail.

On the other hand, learned State counsel assisted by ASI Mohinder Pal opposes the prayer on the ground that the petitioner is involved in two more case of similar nature, therefore, he does not deserve the concession of regular bail, however, it is not disputed that co-accused of the petitioner has already been granted the concession of regular bail.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that the offences are triable by the Magistrate and the conclusion of trial is likely to consume considerable time, as still 09 witnesses are yet to be examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 02.04.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

			(MANOJ BAJAJ)
			JUDGE
13.07.2023	Whether speaking/reasoned :	Yes	No
neeraj	Whether Reportable :	Yes	No