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2023:PHHC:109831

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

**CRM-M No.39978 of 2023
Date of Decision: 23.08.2023**

Prem Chand

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Gaurav Bansal, D.A.G., Haryana.

Mr. Munish Kumar Garg, Advocate &
Mr. Puneet Kapoor, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

Petitioner has prayed for grant of pre-arrest bail in FIR
No.163 dated 27.07.2023 registered under Sections 406, 420 IPC at
Police Station City Safidon, District Jind.

2. As per the allegations levelled in the FIR, it has been alleged
as under :-

*“The circumstances of the case are such that after
investigation complaint number 3556-PDT 06.07.2023 was
received from Economic Offenses Wing Jind through post
Police Station - In service, Mr. S. P. Sir Jind Subject:-
Application against 1. Prem Chand son Risal Singh 2.
Kavita wife Prem Chand community Brahmin resident of
village Bahadurgarh Tehsil Safidon District Jind regarding
cheating and for getting a government job about not*

returning the money. 9991216517, Sir, I request that I Sudesh wife Mr. Rammehar Singh resident of Anta Colony Safido district Jind and I request you that: 1. That the above accused Prem Chand and his wife Kavita are Used to live on rent for 4 years in our house since September 2018, who used to tell me about his identity with his big political persons and officers, used to say that I can get a government job, but for this money will have to be paid first. At the behest of the above accused, I trusted him and spoke to my sister-in-law, Jaswanti, wife Sukhbir resident of Kutani, district Panipat, who spoke to us to get her relative employed as a sub-inspector in Haryana Police, who trusted us. Gave us Rs 20 lakh in cash. That we gave 20 lakh rupees to Prem Chand on 29.09.2021 to get Sumit employed. After getting the paper of Sumit, where did Prem Chand tell his roll number and answer sheet, then my son Tejbir had given the copy of the answer sheet sent by Sumit to his wife Kavita on Prem Chand's request. When the result came, we came to know that Sumit did not pass, so we asked Prem Chand to return the 20 lakh rupees given by us, then Prem Chand kept giving us time and again, who has not yet given our money, nor has Sumit got a job. And one friend Vikash Malik has also given ten lakh rupees for post of S.I. 2. Therefore, you are requested to take the strictest legal action against Prem Chand and his wife Kavita for taking money for getting a job, cheating, and not returning the money, and get our money back. You will be very kind. Thank you. Dated 06.07.2023 SD Sudesh applicant Sudesh wife Mr. Rammehar Singh resident Anta Colony Safido District Jind Mob- 8295911002 8295911001 AJ police station after investigation complaint number 3556- PDT 06.07.2023 received from Economic Offenses Branch Jind at Bajaria Post Station No case filed. 163 Dated 27.07.2023 Section 406/420 IPC Police Station City Safidon Registered Reg. Copies of the FIR by chalking it out on the computer.”

3. Not only this, as per the admitted case and the documents placed on record the petitioner admitting his guilt issued certain cheques which also got dishonoured and are subject matter of proceedings under Section 138 of the Negotiable Instruments Act, 1881 initiated at the behest of the complainant.

4. Keeping in view the aforesaid role assigned to petitioner, this Court does not find it to be a fit case for granting pre-arrest bail. As per settled law petitioner is required to make out a case for invoking jurisdiction under Section 438 Cr.P.C. In ***Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565***, Apex Court has held that :-

“..That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail....”
(emphasis supplied)

5. Likewise while reiterating the law laid down in Gurbaksh Singh Sibbia's case (supra), Apex Court in ***Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1*** has held that :-

“(4) Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it.”

6. The nature and the seriousness of allegations levelled against the petitioner and his conduct are the relevant factors for the adjudication of the present petition.
7. In view of the aforesaid circumstances, this does not appear to be a fit case to grant discretionary relief of anticipatory bail to the petitioner. Consequently, the petition is dismissed.
8. Needless to say, nothing recorded hereinabove should be construed as expression on merits of the case.
9. Pending application(s), if any, shall also stand disposed of.

(PANKAJ JAIN)
JUDGE

August 23, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No