

CRM-M-40330-2023(O&M) and
CRM-M-40487-2023

2023:PHHC:153829

218 (2 cases)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-40330-2023(O&M)

Ajay Kumar

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M-40487-2023

Arvind Garg

... Petitioner

Versus

State of Haryana

... Respondent

Date of Decision:-28.11.2023

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.G.S. Ghumman, Advocate
for the petitioner in both the cases.

Mr.Munish Sharma, DAG, Haryana
for respondent – State.

Ms.Neeru Bansal, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of both the above-noted petitions as both the

petitioners are accused in the same FIR and have approached this Court for the second time by way of separate petitions under Sections 439 Cr.P.C. seeking grant of post-arrest bail in FIR No.776 dated 29.12.2021 lodged for the offences under Sections 406, 420, 467, 468, 471, 120-B, 506 IPC at Police Station Gharaunda, District Karnal

2. For the sake of convenience, factual position and documents are being taken from **CRM-M-40330-2023**.

3. Version of the prosecution is that FIR, Annexure P1, has been registered on the complaint of Sandeep Kumar for initiating action against Parvesh Kumari, Arvind Garg (petitioner in **CRM-M-40487-2023**), Vinod and Janak on the allegation that the complainant along with Sohan Lal met the said accused persons, who assured that they will get him employed in a Government job and would charge Rs.9 lakhs. A sum of Rs.2 lakhs was given to them on 11.11.2014, Rs.5 lakhs on 20.02.2015 and Rs.2 lakhs on 25.04.2016, in all a sum of Rs.9 lakhs was paid to them over the period of time. However, Parvesh Kumari and her brothers Arvind Garg, Vinod, Ajay Kumar (petitioner in **CRM-M-40330-2023**) and Janak cheated them and misappropriated the money. Whenever the complainant demanded his money back, they threatened to eliminate him. The complainant came to know that the accused have on a similar pretext extracted money from a number of other residents of the area, the names of 12 such persons have been mentioned in the complaint.

4. Counsel for the petitioners have contended that the petitioners have been falsely implicated as they are the brothers of co-accused Parvesh

Kumari. He submits that neither any amount was handed over to the petitioners nor any recovery has been effected from them. It has been submitted that on similar allegations, another FIR bearing No.329 dated 22.02.2022 was registered against the petitioners under Sections 120-B, 406, 420, 467, 468, 471, 506 IPC at Police Station Gharaunda, District Karnal, wherein they have been released on regular bail by this Court vide order dated 12.05.2023, Annexure P2. It has been submitted that the challan against the petitioners has been presented and as they are no longer required for custodial interrogation, they deserve to be released on bail.

5. Petitions have been opposed by the counsel for the respondents by making a reference to the status report, Annexure P4, filed by the official respondent in the previous petition.

6. I have heard counsel for the parties and considered their respective submissions.

7. From the material brought on record in the status report, it transpires that on arrest accused Parvesh Kumari stated that she had collected money from over 300 students for getting them employed in the Indian Army and paid the entire money to co-accused Manzoor Ahmad Ghani, who is the main culprit. In his confessional statement, Manzoor Ahmad Ghani admitted that he is running a racket of securing employment in the Indian Army through his accomplices, namely, Gulzar, Fayaz Ahmad, Shakeel Ahmad and Abdul Hameed and had transferred a sum of Rs.1 crore for securing jobs in IRP to Basir Dar, who is an officer in the Territorial

Army and had paid Rs.3.50 lakhs to his T.A. and a substantial amount to Gulaha Mohammad Hakum, an officer in the MES (Military Engineering Services). He further stated that over Rs.6.65 crores had been received by him from more than 300 students. An amount of Rs.2 lakhs was recovered from accused Parvesh Kumari. Accused, Ajay Kumar, who was in custody in another case and his presence was secured through production warrants, admitted that an amount of Rs.2 lakhs came in his share. Similarly, some other accused were associated with the investigation, who revealed the details of the racket. Statements of 14 victims were recorded and they produced documents to show that they had paid Rs.92.40 lakhs on the pretext of job in MES and Territorial Army. On conclusion of investigation, challan has been presented against both the petitioners and charge has been framed. Some prosecution witnesses have also been examined by the prosecution.

8. Allegations levelled against the petitioners are serious. Petitioner along with the co-accused have formed a well oiled racket and are cheating youngsters on the pretext of employment in the Indian Army. Specific role has been ascribed to the petitioners and their complicity in the crime would remain a subject matter of debate before the trial Court, which shall be determined on the basis of evidence adduced before it. Petitioners are active members and in case they are released on bail, there is every possibility that they may try to influence or win-over the prosecution witnesses or try to abscond.

9. Keeping in view the totality of facts and circumstances, the nature of allegations levelled against the petitioner, gravity of offence allegedly committed by him and noticing that most of the duped youngsters are yet to step into the witness-box, this Court is of the view that the petitioners are not entitled to the discretionary relief of bail during the pendency of the trial.
10. There is no merit in both the petitions, which are hereby dismissed.
11. Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.
12. Pending applications shall stand disposed of.

(SUVIR SEHGAL)
JUDGE

28.11.2023
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No