

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

CRM-M-46566-2022

Date of Decision:22.09.2023

Parmod Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr.Deepak Chaudhary, Advocate
 for the petitioner.

Mr. Mohit, Advocate
for the complainant.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr. P.C. with a prayer to grant of anticipatory bail in case arising out of FIR No.241 dated 18.05.2022, under Sections 420/120-B of IPC registered at Police Station Sadar Fatehabad, District Fatehabad (Annexure P-1).

2. The FIR in the present case was got registered by Surender Kumar @ Sunder son of Daulat Ram against Bhawna Bishoi wife of Parmod Kumar, Parmod Kumar, present petitioner and Parveen Kumar, brother of the petitioner and certain other persons for cheating the complainant to the tune of Rs.97 lacs, blackmailing and preparation of forged documents. As per the complainant, he came in contact with Bhawna Bishnoi in the year 2020 and she told the complainant she had applied for the post of Naib Tehsildar in Haryana Government and had paid a sum of Rs.30,00,000/- to some person in the Government. She further told the complainant that she and her companion had provided government jobs to many persons for the last many years. Even she

could get him the job with guarantee, after taking money from him. She told the complainant that his wife was well educated and he should try to get her a government job. Apart from that, during this period, the accused Bhawna Bishnoi was regularly in touch with her husband Parmod Kumar (petitioner) and Parveen Kumar, her brother-in-law. In this manner, various amounts were deposited by the complainant in the account of Bhawna Bishnoi and also paid huge money to her to secure a job. However, even after giving the money to all the accused, the job was not provided to them. Later on, the money was taken from several persons for arranging jobs for them. In this manner, lacs of rupees were collected by them from several persons and fake joining letters were handed over to the candidates. In this manner, the accused had taken a sum of Rs. 97 lacs from the complainant and other persons. However, the fake joining letters were issued to the candidates. The complainant sold his land, mortgaged the ornaments belonged to his wife, sister and Bhabhi (sister-in-law) to pay the money to the accused, but the complainant and other persons were never secured a job by the accused. With these broad allegations, the FIR in the present case was registered against Bhawna Bishoi wife of Parmod Kumar, Parmod Kumar, present petitioner and Parveen Kumar, brother of the petitioner.

3. Learned counsel for the petitioner contended that in the whole of the FIR, no specific role has been attributed to the present petitioner. Rather, it has been alleged that a sum of Rs.97 lacs was given by the complainant to the accused for getting jobs for 10/11 persons. However, the amount was paid to Bhawna Bishnoi and the petitioner was having a matrimonial dispute with his wife since June 2020 and on 10.08.2022, he had filed a divorce petition against his wife before the competent Court. He further contends that the petitioner has

been wrongly arrayed as an accused, just to pressurize his co-accused. Learned counsel further contends that the petitioner had no role to play in the deal struck between his wife and the complainant and had never supported his wife in this regard. Still further, Bhawna Bishnoi was the beneficiary of such transactions and petitioner had no concern with her as there was a matrimonial dispute between the petitioner and his wife. He further contends that the petitioner is the first offender and deserves the concession of bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was specifically named in the present FIR and it was clearly mentioned in the FIR that Bhawna Bishnoi, the main accused used to talk to the present petitioner as she was the wife of the petitioner. Still further, as per the version of the complainant, most of the amount out of Rs.97 lacs was deposited in the account of co-accused Bhawna Bishnoi. Later on, Bhawna Bishnoi transferred the following amounts in the account of the present petitioner which is as under:-

Sr. No.	Date	Amount Transferred
1.	30.12.2020	Rs.2000/-
2.	18.01.2021	Re.1
3.	18.01.2021	Rs.2,000/-
4.	08.02.2021	Rs.5000/-
5.	14.02.2021	Rs.20,000/-
6.	17.02.2021	Rs.10,000/-
7.	23.04.2021	Rs.10,000/-
8.	01.05.2021	Rs.2,000/-
9.	05.05.2021	Rs.6,000/-
10.	11.05.2021	Rs.30,000/-
11.	17.05.2021	Rs.2,000/-
12.	19.05.2021	Rs.30,000/-

13.	26.05.2021	Rs.9,000/-
14.	25.06.2021	Rs.10,000/-
15.	02.07.2021	Rs.80,000/-
16.	08.07.2021	Rs.20,000/-
17.	10.07.2021	Rs.7,000/-
18.	12.07.2021	Rs.50,000/-
19.	13.07.2021	Rs.100/-
20.	14.07.2021	Rs.45,000/-
21.	22.07.2021	Rs.10,000/-
22.	29.07.2021	Rs.3,000/-
23.	04.08.2021	Rs.2,000/-
24.	12.08.2021	Rs.10,000/-
25.	17.08.2021	Rs.4,500/-
26.	19.08.2021	Rs.18,000/-
27.	02.10.2021	Rs.3,000/-
28.	13.10.2021	Rs.5,000/-
29.	18.10.2021	Rs.2,000/-
30.	22.10.2021	Rs.49,000/-
31.	29.10.2021	Rs.1,500/-
32.	10.11.2021	Rs.50,000/-
33.	11.11.2021	Rs.20,000/-
34.	12.11.2021	Rs.10,000/-
35.	19.11.2021	Rs.10,000/-
36.	19.11.2021	Rs.15,000/-

5. Total amount transferred by co-accused Bhawna to Parmod Kumar (present petitioner) is Rs.5,71,101/-.

6. It is from the above referred averments, it is clear that the petitioner was constantly in touch and was in collusion with his wife, Bhawna Bishnoi. Still further, out of 97 lac rupees, only one lac had been recovered. It was further argued that the laptop was to be recovered from the petitioner, which was used in the preparing the fake joining letters. She further contends that in

the present case, the FIR was registered on 18.05.2022, whereas the divorce petition had been filed by the petitioner against his wife on 10.08.2022, which clearly shows that it was filed after 03 months of the FIR.

7. I have heard the learned counsel for the parties and with their able assistance, I have perused the record carefully.

8. Initially, vide the order dated 12.10.2022, the arrest of the petitioner was stayed and he was ordered to be released on interim bail subject to his furnishing personal bonds/surety bonds to the satisfaction of the Arresting Officer. Thereafter, on 21.11.2022 and 15.12.2022, he was directed to join the investigation by this Court. Vide the order dated 22.08.2023, the petitioner was directed to join the investigation on 04.09.2023 and was to return the laptop and the printer, which were used in the commission of crime and had not been recovered so far. Even on 13.09.2023, the petitioner was granted an opportunity to return the laptop and printer, used by the petitioner in the commission of crime. However, during the course of hearing, learned State counsel submitted that the laptop had still not been recovered from the present petitioner. In fact, the arrest of the petitioner was stayed and he was directed to co-operate with the Investigating Agency. However, despite granting three opportunities to the petitioner, he had not returned the laptop and the printer to the police. It is also evident that the divorce petition had been filed by the petitioner against Bhawna Bishnoi, co-accused after the period of 03 months of the present FIR. Thus, the recovery of laptop and printer, which were used in preparing the fake joining letters had still not been recovered and inspite of repeated directions by this Court, the laptop and printer were not handed over by the petitioner to the Investigating Officer. This clearly shows that the custodial interrogation of the

petitioner will be required in the peculiar facts and circumstances of the present case. Apart from that, the petitioner and his wife Bhawna Bishnoi had cheated 10/11 persons on the pretext of getting them government jobs and cheated them to the tune of Rs.97 lacs. Thus, from the serious allegations have been levelled by the complainant against the present petitioner and his other family members, he does not deserve the concession of bail by this Court.

9. Consequently, the present petition is ordered to be dismissed.

22.09.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No