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

CRM-M-51292-2022

Date of Decision: 24th July, 2023

Ajit Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Akshay Jain, Advocate for
Mr. Davinder Singh Khurana, Advocate
for the petitioner.

Mr. Amrik Narwal, D.A.G., Haryana
for the respondent/State.

Mr. Rahul Rathore, Advocate
for the complainant.

HARSH BUNGER, J.

Petitioner (Ajit Singh) has filed the instant petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case FIR No.0006 dated 03.01.2022, registered under Sections 120-B, 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860, at Police Station Gharaunda, District Karnal, Haryana (Annexure P-1).

2. Custody certificate dated 29.04.2023 of the petitioner has been filed by the learned State counsel, which is already on record.

3. An affidavit submitted by Manoj Kumar, HPS, Deputy Superintendent of Police, Gharaunda, District Karnal was filed for placing on record certain documents issued to the victims, verification of documents and statement of victims as Annexure R-1 (Colly.), R-2 and R-3, which are already on record.

4. Briefly, the aforesaid case FIR has been registered on the

complaint of Surender Singh s/o Ram Singh and Joginder s/o Sunehra Ram, wherein they have stated that they have given Rs.41,00,000/- to Ajit Singh Khanna (petitioner), Harleen Kaur resident of Gazipur, for providing jobs to seven children and they had mislead them. It was alleged that the job was to be provided to the following:-

- 1. Ravi s/o Madan*
- 2. Rahul s/o Mahinder*
- 3. Mausam w/o Surender*
- 4. Meena w/o Rajinder*
- 4. Ankit s/o Jagmal*
- 5. Sandeep and Amit s/o Ved Parkash*

It is further alleged that joining letters were given to the aforesaid persons and thus, big fraud has been committed, hence, strict legal action was sought against the accused, whereupon the aforesaid case FIR was registered.

5. The petitioner approached the Court of learned Additional Sessions Judge, Karnal, seeking regular bail; however, the same was rejected vide order dated 12.10.2022 (Annexure P-2). Accordingly, the present petition has been filed by the petitioner before this Court under Section 439 Cr.P.C. seeking regular bail.

6. Learned counsel for the petitioner submitted that the petitioner is a government teacher and has been falsely implicated in the present case. It is submitted that the petitioner has nothing to do with the allegations leveled in the FIR. As per the petitioner, he never met the children who are alleged to have been defrauded on the pretext of providing job. It is submitted that the present FIR is silent regarding the time, date and place as to where the alleged amount was given to the petitioner. Learned counsel for

the petitioner contends that there is an unexplained delay of more than one and half months in registration of the FIR. He further contends that the allegations regarding giving of money to the petitioner on the pretext of providing job is 3-4 years prior to the presentation of the complaint on the basis of which, the FIR was registered. Learned counsel for the petitioner submits that the complainant (Surender Singh) in this case had taken money from some persons on the pretext of providing jobs and cheated them, later on, when the said persons were not provided any job, then the said persons, from whom Surender Singh (complainant) had taken money, started demanding their money back and in order to save his own skin, the complainant is stated to have got the instant FIR registered against the petitioner. It is submitted that the petitioner has been in custody since 25.04.2022. It is further submitted that the investigation in this case qua petitioner is complete; challan stands presented and thus, the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars for indefinite period. Learned counsel further submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

7. Per contra, learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness and gravity of the offence. Learned State counsel has submitted that during the course of investigation in the instant case, the statement of the victims have been recorded and the joining letters allegedly provided to them by the petitioner were got verified from the Ministry of Education, Higher Education Department, Shastri Bhawan, New Delhi and all the letters are stated to be

fake. The copies of the joining letters have been placed on record collectively as Annexure R-1, the statement of the concerned Section Officer, Ministry of Education, Higher Education Department, Shastri Bhawan, New Delhi has been placed on record as Annexure R-2 and the statements of the victims have been placed on record collectively as Annexure R-3. It is submitted that the petitioner does not have clean antecedents as he is involved in 3 other cases as well. It is further submitted that in case, the petitioner is enlarged on regular bail then he may tamper with the evidence and influence the material witnesses or he may abscond and flee from justice which may delay the trial; accordingly, prayer for dismissal of the petition has been made.

8. On the other hand, learned counsel for the complainant has also opposed the plea of petitioner for grant of regular bail by referring to the copies of the joining letters provided to the victims mentioned in the complaint and also the copies of the ID cards/admit cards allegedly given to them by the petitioner. Learned counsel for the complainant has also placed on record certain photographs to show that the petitioner along with others had been conducting seminars making false representations for providing Government jobs. It is submitted that the petitioner along with the other co-accused have duped many persons of their hard earned money on the pretext of providing Government jobs, accordingly, prayer for dismissal of the petition has been made.

9. I have heard learned counsel for the respective parties and perused the paper book as well as other documents placed on record.

10. The petitioner along with co-accused is alleged to have allured and mislead the complainant on the pretext of providing jobs to seven

children and obtained hefty amount from them. Learned State counsel has placed on record the statement of the victims along with the alleged joining letters stated to have been provided by the petitioner along with the other co-accused to the children/victims mentioned in the complaint.

As per the statement of Shri Ashok Kumar Tanti, Section Officer, Ministry of Education, Higher Education Department, Shastri Bhawan, New Delhi, the joining letters stated to be issued by Ministry of Human Resource Development to the victims are fake. A perusal of the statement of the victims (Annexure R-3) would prima facie show the complicity of the petitioner in the crime.

As regards, the submission of learned counsel for the petitioner that there is an unexplained delay of more than one and half months in registration of the instant FIR after the receipt of the complaint from the complainant party, suffice it to observe that the complaint appears to be of date 12.11.2021 and the FIR was registered after obtaining opinion from the Deputy Superintendent of Police, Gharaunda. Although, the investigation in the instant case is complete and even the challan stands presented against the petitioner, however, the material witnesses are yet to be examined. Furthermore, the petitioner does not have clean antecedents as he is involved in three more FIR's:

<i>Sr. No.</i>	<i>FIR No.</i>	<i>Under Section(s)</i>	<i>Police Station</i>
<i>1.</i>	<i>215/2019</i>	<i>138 of the Negotiable Instruments Act</i>	<i>Amloh, Fatehgarh Sahib</i>
<i>2.</i>	<i>109/2022</i>	<i>406, 420 and 120-B of the Indian Penal Code</i>	<i>City-2, Khanna</i>
<i>3.</i>	<i>87/2013</i>	<i>419, 420, 423, 467, 468, 471, 120-B and 379 of the Indian Penal Code</i>	<i>City Samana, Patiala</i>

11. Moreover, when the accused is facing serious charges, he may develop temptation to jump the bail. The apprehension expressed by State that if released on bail, there is every likelihood of the petitioner trying to tamper with prosecution evidence by giving threats and inducements to the prosecution witnesses and absconding even to prolong the trial, cannot be brushed aside lightly.

12. Accordingly, keeping in view the seriousness and gravity of offence and also the aforementioned circumstances, the present petition under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner (Ajit Singh) in case FIR No.0006 dated 03.01.2022, registered under Sections 120-B, 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860, at Police Station Gharaunda, District Karnal, Haryana; is dismissed.

13. Nothing stated here-in-above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

14. Pending application/s, if any, shall also stand disposed of.

24th July, 2023

Himani

**(HARSH BUNGER)
JUDGE**

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