

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-52732-2023

Date of Decision:-20.10.2023

Sandeep Singh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ankur Malik, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of anticipatory bail in case FIR No.113 dated 18.05.2023 under Sections 406, 420 IPC registered at Police Station Rajaund, District Kaithal, Haryana.

2. The present FIR came to be registered at the instance of complainant- Jamal Deen son of Lal Deen who sought legal action against 05 persons namely Pardeep, Kulwant, Tinku Garg, Randhir Nepewala and Sandeep (petitioner). As per the complaint he along with Sunil son of his friend had applied for employment of Group-D in Advertisement No.04/2018, Category No.01. His Roll No. was 4181394120 and according to Registration number 481093991 category BCA he had given examination on 01.11.2018 under Group-D. After giving the examination Pardeep son of his mother's sister told him (complainant) that he knew a person who could

get them employed. Pardeep got them (complainant party) introduced to Sandeep son of Tarsem. Thereafter, Sandeep in his (complainant's) presence spoke with two person one of whom was Tinku Garg and the other was Randhir (petitioner). After talking to them they stated that his (complainant's) work would be done 100% and they asked him to arrange Rs.10 lacs. He (complainant) was also told that the brother of Randhir was a member of the HSSC (Haryana Staff Selection Commission). They (complainant party) arranged the money. Meanwhile the result of Group-D had come and he was assured that his name would be entered in the waiting list. On 28.10.2020 Sandeep, Pardeep and Tinku Garg took them (complainant party) to Panchkula where a sum of Rs.1,50,000/- was paid to Randhir Nepewala. Thereafter he (complainant) and Sunil along with the aforementioned three persons reached Panchkula and paid a sum of Rs.1,50,000/- to the 04 persons. They (complainant party) were also told that an amount of Rs.7 lacs would have to be paid further. On 18.12.2020 a further amount of Rs.5 lacs was paid to Sandeep, Pardeep and Tinku Garg. However on waiting for the result it was found that they (complainant party) had not been put on the waiting list. On further assurances of Randhir a sum of Rs.60,000/- was transferred on 19.01.2022 into the account of Sandeep. On 25.01.2022 a sum of Rs.1 lac was paid to Sandeep and Pardeep. Despite making the payment of Rs.8,80,000/- to the accused no job was provided to them (complainant party). The entire conversation which had taken place between the various accused and him (complainant) had been recorded on his mobile phone. Legal action was sought.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case though the FIR states that a sum of Rs.60,000/- has been deposited in the account of the petitioner. During

the course of investigation, the statement of complainant was recorded as per which the said amount stood deposited in the account of one Himanshu. As the petitioner was in custody since 21.08.2023, none of the 11 prosecution witnesses had been examined so far and the petitioner was a first time offender, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused have committed grave offence and no sympathy ought to be shown to him by way of grant of bail. He however, concedes that the petitioner is a first time offender, in custody since 21.08.2023 and none of the 11 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Even otherwise, as the petitioner is in custody

since 21.08.2023 and none of the 11 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. Therefore, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Sandeep Singh** son of Sh. Tarsem Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.100,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 20, 2023
Vinay

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