

Date of decision: 06.01.2023

.....Petitioner

.....Respondent

Mr. G.S. Nahel, Advocate
for the complainant.

As per prosecution version, the FIR in the present case was registered against the petitioner on the basis of complaint made by complainant, Sukhwinder Singh to the SSP, Patiala, on the allegations that the complainant is ex-serviceman and the petitioner is also an ex-serviceman and they were known to each other. In the year 2016, petitioner told the complainant that he was known to the then CM, Sh. Parkash Singh Badal and he got employed many girls, boys, ex-serviceman and in case he and other ex-servicemen want their dependents to get employment, then he can get them employed and he would introduce them with PA of Chief Minister and can get the employment on the vacant posts. Petitioner assured the complainant for the post of Superintendent in Market

Committee. He talked with his known persons, namely, Captain Gurcharan Singh, Hawaldar Gurmukh Singh, Hawaldar Subegh Singh, Hawaldar Jaspal Singh and Baljinder Singh s/o Darshan and on his assurance, they had to talk with Baldev Singh. He arranged the meeting with PA of Chief Minister and further assured that he would get them employed. Petitioner demanded money from them and an amount of Rs.4.9 lacs was paid by complainant at Rajpura-Zirakpur Road, Pappu Dhaba and Baldev Singh obtained Rs.20.8 lacs from them, thereafter, neither he got anyone employed, nor returned the money and thus, cheated the complainant and other persons. Upon the application moved by the complainant, inquiry was conducted and thereafter, FIR was registered against the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case and nothing is to be recovered from the petitioner and therefore, his custodial interrogation is not required and he is ready and willing to join the investigation. He further submits that there is a huge delay of registration of FIR.

Per contra, the learned State counsel and also counsel appearing for the complainant have vehemently opposed the prayer of grant of anticipatory bail to the petitioner.

The learned State counsel has submitted that during investigation, two other persons, namely, Darshan Singh s/o Kartar Singh r/o Village Rajla, Police Station Sadar Samana, District Patiala and Bhinder Pal @ Kala s/o Bant Ram r/o Village Chupki, Sadar Samana, District Patiala have got recorded their separate statements under Section 161 Cr.P.C., wherein, they have submitted that they have paid the money to

the petitioner through Sh. Sukhwinder Singh for appointment. The said statements have been produced during the course of the arguments and the same are taken on record as Annexure A & B.

I have heard learned counsel for the parties and perused the records.

As per record, the petitioner has duped the complainant and other ex-serviceman persons to whom he assured to get them employment, of Rs.20,80,000/- out of which he had returned an amount of Rs.2,63,000/- and has cheated the complainant and other persons of Rs.18,17,000/- by committing a fraud. Complainant has himself returned the remaining amount to other persons as on his assurance, they have paid the money.

The allegations levelled in the FIR are grave and serious in nature and further, during the course of investigation, two other effected persons, namely, Darshan Singh s/o Kartar Singh and Bhinder Pal @ Kala s/o Bant Ram, have got recorded their statements under Section 161 Cr.P.C., wherein, they have submitted that they have also paid money to the petitioner through Sh. Sukhwinder Singh-complainant for appointment. Custodial interrogation of the petitioner is necessary leading to discovery of material facts. Curtailing of his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroped in the present case and his custodial interrogation is necessary in the case and that petitioner is likely to abscond and misuse his liberty and therefore, does not deserve grant of anticipatory bail under Section 438 Cr.P.C.

Keeping in view of the totality of facts and circumstances of the case, the petition stands dismissed accordingly.

06.01.2023
Neha

(NAMIT KUMAR)
JUDGE

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