

102 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
CRM-M-60105-2023
Date of Decision:30.11.2023

Sandeep Punia

...Petitioner

Vs.

U.T Chandigarh

...Respondent

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

Present: Mr. Hunarveer Sharma, Advocate
for the petitioner.

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 FIR No.107 dated 22.10.2022, under Sections 420,467,468,471,120-B of IPC registered at Police Station North, Sector-3, Chandigarh (Annexure P-1).

2. The FIR in the present case was got registered by Mukesh Kumar, complainant, who is resident of Village Berela, District Charkhi Dadri. He used to visit his relatives at Village Sarangpur and got acquainted with Sandeep Punia, accused/petitioner, who was serving in post office at Charkhi Dadri. Sandeep Punia informed the complainant about some recruitment of Clerks in Haryana Assembly (Vidhan Sabha). Even Sandeep Punia gave him a reference of Virender Sheoran, who was acquainted with Sunil Punia, brother of Sandeep Punia. Thereafter, Sandeep Punia introduced the complainant with Sunil Punia and Virender Sheoran. After one week, Sunil Punia and Virender Sheoran asked the complainant to come in the market of Sector-10, Chandigarh and when the complainant reached there, they disclosed him that they would get him appointed on the basis of UDC and demanded a sum of Rs.19,00,000/- in lieu of

the same. They asked him to pay an amount of Rs.2.5 lacs. However, the complainant was only having an amount of approximately Rs.65,000/-. On their asking, the complainant arranged and transferred an amount of Rs.1,90,000/- through his friend Parveen in two bank accounts, which were told by Sunil and Virender Sheoran. The complainant also paid cash amount of Rs.60,000/- to both of them at Sector-10, Chandigarh. After that, the complainant requested for 2/3 times to get him appointed as an UDC in the Assembly. The accused again assured the complainant that he will be given the employment and further asked him to pay a sum of Rs.2.5 lacs. The said amount was paid by the complainant to Sandeep Punia, accused/petitioner at a shop in New Grain Market, Charkhi Dadri. In November 2021, Virender and Sunil told the complainant that his work had been done and he would be getting the appointment letter in 10/15 days. The accused further asked for a sum of Rs.10 lacs prior to get the appointment letter and the said amount of Rs.10 lacs was paid by the complainant to Virender and Sunil on 12/13 November, 2021 in cash in the market of Sector-10, Chandigarh and also handed over his original certificates. This amount was got arranged by complainant from his friend Akash. After that, all the accused again met the complainant at Charkhi Dadri on 04.12.2021 and assured him that he would get the appointment letter by end of that month. In the end of December, they handed over an appointment letter to the complainant for the post of UDC (temporary) in Haryana Vidhansabha and they assured the complainant that his original documents had been deposited in the Haryana Assembly. On receipt of the appointment letter, the complainant further handed over a cash amount of Rs.3.5 lacs to them. In January 2022, the complainant came to Haryana Assembly along with the

Appointment letter and came to know that he had been cheated and the letter of appointment was not issued by the Haryana Assembly. With these broad allegations, the FIR was got registered by the complainant.

3. Learned counsel for the petitioner vehemently argued that the petitioner had been falsely involved in the present case. He further contended that the petitioner was earlier employed in Indian Air Force and got discharged in February 2014, due to his deteriorating health conditions. He got employed on the post of MTS at Rashtriya Military School at Chail and remained posted there from November 2016 to October 2021. In October 2021, he got a job of Mail Overseer at Post Office, Charkhi Dadri and worked there till February 2023. At present, the petitioner is working as Hostel Superintendent at Rashtriya Military School, Dholpur and has been working there. He further contended that the petitioner had never taken any amount from the complainant and even the bank accounts, in which the complainant allegedly deposited a sum of Rs. 1,90,000/- also did not belong to the present petitioner. Learned counsel further contended that the petitioner was suffering from Psychiatry issues and Dysthymia. Even he referred to the medical records (Annexure P-3) in this regard and contended that the petitioner deserves sympathetic consideration by this Court. Still further, the petitioner was not the beneficiary of any transaction in any manner and deserve the concession of bail.

4. I have heard the learned counsel for the petitioner and perused the record.

5. In the present case, the petitioner had initially assured the complainant that there would be direct recruitment for the post of Clerks in Haryana Assembly (Vidhan Sabha), who was close to his brother, Sunil Punia,

who was politically influential person. On the false pretext of getting the job of UDC, the complainant was duped of an amount of Rs.19,00,000/- by the present petitioner and his co-accused. The complainant has specifically stated that an amount of Rs.2.5 lacs was handed over by the complainant to the present petitioner at Charkhi Dadri. Apart from that, the petitioner along with his other co-accused had assured the complainant that he would be given an employment on payment of the remaining amount.

6. The Hon'ble Supreme Court has held in the matter of **P.Chidambaram Vs. Directorate of Enforcement, 2019(4) RCR (Criminal)875** as follows:-

“67 Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.PC, 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy”.

7. In the present case, the petitioner is the main accused, against whom serious allegations have been levelled by the complainant. The

petitioner, in active connivance with his co-accused had forged and fabricated an appointment letter for the post of Clerk and handed over the same to the complainant illegally. Still further, the investigation in the present case is at the initial stage and the grant of anticipatory bail at this stage, may hamper with the investigation. In the present case, the police has to interrogate the present petitioner to know the manner, in which the appointment letter was forged and also has to verify the facts about the involvement of other persons. Thus, to conduct the investigation effectively and to take the same to its logical end, the custodial interrogation of the petitioner is required and the present petition is accordingly ordered to be dismissed.

30.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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