



CRM-M-7263-2024 and connected case

1

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

103

(I) CRM-M-7263-2024
Date of Decision : August 22, 2024

SANDEEP

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

(II) CRM-M-29808-2024

VIKRAM VERMA

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner (in both petitions).

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. The amenability of both these petitions for being decided through a common verdict originates from them being arising out of a common FIR, besides originating from common relief(s) being yearned therein.

2. To be precise, in both these petitions, the petitioners seek the concession of anticipatory bail, in case FIR No.630 dated 20.12.2023, under Sections 120-B, 406 and 420 of the IPC, registered at P.S. D.L.F., Gurugram, District Gurugram.

3. The genesis of the present FIR is embodied in a complaint made by one Rakesh Sood (hereinafter referred to as the 'complainant').

**CRM-M-7263-2024 and connected case****2**

Succinctly stated, the allegations against the petitioners are that they, in active league with one Suresh Kumar, Inspector Vigilance and other co-accused, duped the complainant for a sum of Rs.20,00,000/- on the pretext of getting him allotted a petrol pump. The relevant extract of the present FIR is reproduced hereunder:-

“...To, DCP Vigilance Gurgaon Complaint against Suresh Kumar Inspector Vigilance Sandeep Others. Dear Sir, I was approached by Suresh- Inspector (Vigilance). During our discussions, Suresh advised me that he was grateful to me for my affidavit which permitted him to get promoted and become an Inspector-Vigilance. He also advised that his children were well placed and his daughter and family have repeatedly told him that he should thank me for the help and help me to recover the loss suffered due to him. Suresh was keen to compensate me for the loss suffered due to his wrong introduction of Bahadur Singh, Rakesh Kumar and Satish Kumar others, which had caused major loss to me. I was agreed to come to Gurgaon on 2nd March, and a meeting was proposed at Crown Plaza Hotel in the evening at 6 PM. Due to delay in Suresh arrival, we met in the parking lot outside Crown Plaza as he did not want to come into Hotel, because of CCTV Camera footage. Suresh brought along with him Sandeep, (Mobile No. 8076337329), who he introduced as a close confidant of Hon'ble Minister Dharmendra Pradhan. Suresh said that he was grateful to me and wanted to help me recover my losses. Suresh said that Sandeep, could help in getting me a petrol pump allotted, in Chandigarh, as he was close to Hon'ble Minister. Later, to celebrate Suresh made me buy a bottle of 100 Pipers-12 Year old from Lake Forest Wines situated in the corner of Sector 29, and Sandeep came and took the bottle from the liquor vend at around 8.45 PM. For Rs. 1500/-. (Can be verified from CCTV). It was decided that Sandeep would discuss the matter, with the Hon'ble Minister, and we would meet at around lunch time on 4th March to discuss the matter further. On 4th March, we waited for a long time at Suresh's plot on the by-lane of NH-8, near Hero Honda Chowk which Suresh said belonged to Govt. but was now under possession alongwith some other friends. He offered to sell this plot at a discount, alongwith other similar plots, which he and his friends had, which I refused. Suresh asked me for ideas for this plot development, and I suggested an Auto Car Agency or a Petrol Pump with a retail shop there. Sandeep finally. came after making us wait for 2.5 hours, and in the meeting. Sandeep advised that the Hon'ble Minister Sister had 4 pumps available in Gurgaon, which I refused, as now I was based in Chandigarh. It was decided that Sandeep would get me a

**CRM-M-7263-2024 and connected case****3**

petrol pump allotted in Chandigarh for which he wanted an advance of Rs. 10 Lacs, to be paid immediately. I requested him to collect the money from Chandigarh on 5th March. I got a call from Suresh mobile No. 7268804308, early morning confirming my work would be done, after I sought Suresh's confirmation whether I should pay the money to Sandeep. This Money was paid to Suresh Sandeep representative Plus another person (Mobile No. 7011679169) on 5th March around 1 PM outside the Post Office in Sector 10, Chandigarh, by me to both of them. Suresh again met me on 6th March 2023, in Chandigarh, for celebration, wherein he made me buy him a bottle of Black Label and 100 Pipers 12 Year old which we both went and bought from Bajaj Spirits in Sector-8. Suresh drank half the bottle of Black Label. Later we had Lunch together, wherein Suresh told me that Sandeep was going to make him a SHO, Sector 29, Police station in Gurgaon for one year through the Hon'ble Minister. I had advised Suresh to stay in your current position as its more powerful, and also since he claimed he was no longer corrupt, and also the fact that a SHO can be transferred any time. Suresh, however told me as per rules he needed a one year posting as SHO, to enable you to get promoted to ACP, and hence it was essential that he becomes a SHO. To show how powerful Suresh was now, after drinking half bottle of Black Label, Suresh took me for a ride from Sector-8 to Sector 23, driving recklessly, using the vehicle siren. Suresh, repeatedly ignored my warnings that this is Chandigarh and not Haryana where you can get away with this sort of speeding, and reckless driving, we had near misses with drivers in this drunken misadventure of his around 4 PM. Suresh later confirmed that Sandeep was meeting me in Chandigarh on 15.03.2023, with a good news, I met Sandeep in Mount View Hotel around lunch time, and Sandeep had bought alongwith him 2 other persons, one whom I recognized was the same who had taken Rs. 10 Lacs from me on 5th March. During the discussions, in the coffee shop, Sandeep demanded 30-40 Lacs more from me immediately, for which I flatly refused, and asked him to refund the money. He also requested me for a PDC for the balance which I refused. He finally agreed for 10 Lacs more, and said the allotment would be made within a week, and he would take another 30 Lacs then from me by cheque, after the said allotment would be done. Sandeep advised me that currently he is on the duty of the Hon'ble Minister Sister, who is based in Gurgaon, and they have 4 more pumps which Sandeep can get allotted to anyone. I finally paid Sandeep Rs. 10 Lacs outside Mount view Hotel around 13:15 Hrs. Sandeep had come in a Maruti Swift No. HR03P9067 for this collection, along with 2 of his colleagues. Later I was in touch with Suresh and Sandeep, and Suresh advised that Sandeep was coming with good news to me in Chandigarh on 06.04.2023. Suresh Sandeep came on 06.04.2023 in a Bolero, wherein Suresh wanted me to buy liquor which I refused as


CRM-M-7263-2024 and connected case
4

it was Hanuman Jayanti, finally Suresh sent Sandeep to buy the liquor from the Sector-8 shop, and I paid for Suresh Sandeep lunch at Dhaba. The other colleague of Suresh did not eat lunch. Suresh assured me that all the work would be done in week's time and then Suresh will come for a big party. Suresh had called me on 11th April by Whatsapp saying that he would meet me on 18th April as he was coming to Chandigarh for some official work, and had more business proposals for me. Sandeep sent me a message on 12th April that he will be coming to Chandigarh on 16th April to meet me I had to advised him to either bring the letter or return the money of Sunday. Sandeep has not answered my repeated calls and has not returned the money or given any allotment letter for the pump. I have also been trying to call both Suresh and Sandeep, for the last many days and am surprised that both are not answering my calls, or calling back or replying to whatsapp messages. I enclose proof of the liquor purchase, and whatsapp messages exchanged between me with Suresh and Sandeep for your information. All the meetings can be verified by CCTV footage/call records. I would request you to help in recovering my 20 Lacs, else register a case against Suresh, Sandeep and others for taking Rs. 20 Lacs from me....”

4. The learned counsel for the petitioners, in his beseeching the relief of anticipatory bail for the petitioners, submits that the complainant has got lodged a false FIR just to settle an already pending dispute between him and petitioner's co-accused Suresh Kumar, Inspector Vigilance. The allegations voiced in the present FIR are concocted and does not carry even an iota of truth. Moreover, the prosecution is not seized of any cogent and corroborative evidence to connect the petitioners with the alleged crime.

5. The learned counsel for the petitioners further submits that, the story put forth by the complainant regarding payment of such a huge amount of Rs.20,00,000/-, and that too in cash, for the purpose of getting allotted a petrol pump, is totally illogical. The complainant should be subjected to stringent test of proof regarding the source of Rs.20,00,000/- cash.

6. This Court had, taking into account the submissions made by the learned counsel for the petitioners at the time of initial hearings of both

**CRM-M-7263-2024 and connected case****5**

these petitions, granted the relief of interim bail to the petitioners on 12.02.2024 (in CRM-M-7263-2024) and on 13.06.2024 (in CRM-M-29808-2024) and also directed them to join the investigation. Although the petitioner (in CRM-M-7263-2024) joined the investigation, but, he did not cooperate with the investigating officer, whereupon, on request of petitioner's counsel, he was granted another opportunity to join the investigation and the investigating officer was also directed to provide a questionnaire to him. However, the situation remained the same, inasmuch as, the respondent-State filed a status report dated 06.04.2024, thus informing this Court that although the petitioner concerned joined the investigation, but, he did not cooperate with the investigating officer, rather remained evasive to the questionnaire put to him. Faced with this situation, on 23.05.2024, the learned counsel for the petitioner sought a last opportunity to rejoin the investigation and also assured petitioner's cooperation in the investigation. Accordingly, the petitioner's request was allowed and he was again directed to join the investigation and to cooperate with the investigating officer.

7. Thereafter, on 17.07.2024, the learned counsel for the petitioners came up with a request for adjournment, on the ground that, the matter is likely to be settled amicably between the parties. Believing this assertion, this Court granted adjournment and the interim relief of bail was ordered to be continued. On the next date of hearing, i.e. 05.08.2024, again a request for adjournment was sought by the learned counsel for the petitioner, on the ground that, the process of amicable settlement is at an advanced stage and there is a strong possibility of settlement. Accordingly, believing this request to be *bona fide*, another adjournment was granted and the matter was

**CRM-M-7263-2024 and connected case****6**

ordered to be listed today for hearing, and, today it has been informed to this Court that settlement could not be arrived at between the parties.

8. The inference, as becomes drawn from the hereinabove discussed conduct of the petitioners, is that, the petitioners' assertion of amicable settlement was in fact a ploy to get adjournments from this Court and to enjoy the interim relief of bail granted by this Court. In this way, the petitioners have tried to take the court proceedings for a ride just to evade their arrest.

9. This Court has also made a meticulous survey of the entire record and what emerges therefrom is that, the complainant has furnished detailed documentary proofs to substantiate his allegations. During investigation, the complainant provided the proofs of liquor purchased for the petitioners, data of Whatsapp chats exchanged between him and the main accused Suresh, details of telephone recordings between him and the petitioners and also with the pickup person who had collected the amount of Rs.10,00,000/- from him on 05.03.2023. Moreover, upon analyzing the call detail records of the mobiles belonging to the complainant, petitioners and their co-accused, the investigating agency found that the location of the mobiles belonging to the petitioners was present at the place disclosed by the complainant.

10. *Prima facie*, this Court is of the view that the petitioners have played an active role in duping the complainant for a sum of Rs.20,00,000/-. Consequently, taking into account: (i) the gravity of the allegations; (ii) the hereinabove discussed *mala fide* conduct of the petitioners; (iii) material collected by the investigating agency; this Court is not inclined to grant the



extraordinary relief of anticipatory bail to the petitioners.

11. In summa, both these petitions are **dismissed**. Interim relief stands vacated.
12. A photocopy of this order be placed on file of connected case.

August 22, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned

Whether Reportable

:

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Yes/No

Yes/No