

CRM-M-13101-2024

-1-

104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13101-2024
DECIDED ON:14.03.2024

SITARAM

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manu Sachdeva, Advocate and
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. BS Virk, Sr. DAG, Haryana.

Mr. ADS Jattana, Advocate,
for the complainant.

SANDEEP MOUDGIL, J.(ORAL)

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.14, dated 13.01.2024, under Sections 406 and 420 of the IPC, 1860 registered at Police Station Bhiwani City, Bhiwani.

Learned counsel for the petitioner contends that because of strained relationship between the parties on account of some business transactions, a false complaint has been lodged against the petitioner and he strongly denied making any promise for arranging a job to anyone including complainant Govind at any point of time. He further submits that advertised job was of the year 2018 and the interaction between the complainant and the petitioner came into picture only in the year 2022. He has further submitted

that in fact a Breeza car exchanged, in dispute, for which necessary action has been proceeded by the present petitioner and aggrieved by the same a false complaint has been lodged against him.

Mr. ADS Jattana, Advocate, appearing on behalf of complainant Govind argues that the complainant has paid Rs.10,50,000/- to the present petitioner qua which there are whatsapp chats and audio recording in the form of electronic evidence in support thereof. He has categorically stated that promise to arrange a job in the Crime Branch, Panchkula, in Group D post was made to the complainant for which an advertisement was issued in the year 2018. As far as the fact that the petitioner and the complainant came into contact with each other first time in the year 2022 is concerned, cannot save the petitioner from the offence as the appointment is under process and was not yet completed for the Group D posts advertised in the year 2018 and for making such a promise, it is not necessary to be expected that such promise ought to have been made either on the payment on or prior to the issuance of such advertisement.

He has also apprised the Court that the petitioner is involved in other case as well for which notice dated 03.10.2022 under Section 41(A) stands issued by the Office of Assistance Commissioner of Police, Cyber Cell, Crime Branch, Delhi, on identical allegations in FIR No.103, dated 09.06.2022 registered under Sections 419, 420& 120-B IPC and 66-D of I.T. Act, Police Station Crime Branch, Delhi.

On raising specific question by this Court with regard to such FIR, learned counsel of the petitioner shows ignorance of knowledge of any such pendency of FIR whatsoever.

In the light of the above fact, where the transaction has taken

place to the tune of Rs.10,50,000/- paid by the complainant to the petitioner qua which he is relying upon an electronic evidence in the phone and other records already in the possession of the complainant, seeing the previous conduct of the petitioner wherein he is involved in other FIR of similar nature, the benefit of anticipatory bail cannot be granted to the petitioner. The law comes to the rescue of a person, who approaches the Court with clean hands but not for an accused who is misleading the Court qua the fact that other similar nature of FIRs are pending against the accused which are being dealt with by the Crime Branch, Delhi as observed herein-above.

In the light of the above, the petition is devoid of any merits and is dismissed.

14.03.2024

monika

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

(SANDEEP MOUDGIL)
JUDGE