

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

CRM-M-14030-2024

Date of Decision:-09.04.2024

Karamveer Singh @ Karamia @ Suraj Bhan @ Dharamveer.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Gurdarshan Singh Sidhu, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.228 dated 21.10.2020 under Sections 420, 465, 468, 471 IPC registered at Police Station Canal Colony District Bhatinda.

2. The present FIR came to be registered at the instance of Yadwinder Singh which reads as under:-

“ Copy of complaint number 728/Canal Colony/ 2020 Dt 17/9/2020 from Yadvinder Singh son of Mewa Singh R/o Jiyan wali Gali, SS Nagar, Partap Nagar, Bhatinda. To, The Senior Superintendent of Police, Bhatinda, Subject:- Complaint for initiating proceedings against 1. Sushil Kumar alias Deepak, Director of ADB Infotech Pvt. (HLP), R/o Chak-2, PHM(A), PHM Khajuwala, Bikaner (Rajasthan) 92290-29029. 2. Karamveer Singh alias Karmiyan alias

Suraj Bhan, R/o Village Mirpur, District Sirsa (Haryana), Mobile No.93191,27396, 98112-39941 and Prince, R/o Bijnor (UP) 72538-229173, 3. Ram Mehar Sharma, resident of Hisar, Director, Jan Chetna Gramin, Empowerment and Development Ltd. opposite Bus Stand, Sector 10, Panchkula, 93507 90023 (presently Director, Samadhan Gramin Welfare and Employment Services Ltd. SCO No.56-57, 4th Floor, Sector 17-D, Chandigarh, 4. Krishna Kumar Chaudhary, Phone No.7206666784, Director, Jan Asa Employment Resources Ltd. SCO No.18, Sector 16, near IDIB Bank, Panchkula, for committing fraud upon complainant by deceiving on the pretext of providing him job. Sir, It is submitted that 1, Yadwinder Singh son of Mewa Singh, resident of Dr. Jiyan Wali Gali, SAS Nagar, Pratap Nagar, Bathinda and I am a peace-loving person. 2. That my son Barjinder Singh is a graduate, who saw an advertisement for a job in ADB Infotech Private Limited issued by the said company in March 2019, the company had a contract with Punjab Agriculture, therefore, they need workers in the Agriculture Department, on which, my son Barjinder Singh applied in the said company and coordinated with the Director of the company, Sushil Kumar alias Deepak, who assured my son Barjinder Singh that the company would keep the workers on contract basis for 10 years, but after 10 years, these workers would be regularized. My son came in his words and started coordinating with the Director of the said company to get the job. Upon this, Director Sushil Kumar told my son that if he wanted to get a job in his company, then he would have to pay Rs.2 lakh. Then my son Barjinder Singh spoke to me about this and I took my son and met the Director of the company in the office of the company at Industrial Area, Phase 8-B, Mohali and as per the demand of Sushil Kumar, Director, we paid cash amount of Rs.2 lakh to the Director in his office at Mohali.

Then Sushil Kumar, Director said that if we want to get employment for other people known to us, we should bring them to him. Upon this, I and my son talked to the Director to get employment for a total of 30 persons of our known with a request that they cannot give such big amounts. At this, it was agreed to pay Rs.50,000/- in advance and Rs.1,50,000/- later on getting the job and in the year 2019, these persons paid Rs.15 lakh to Sushil Kumar, Director of the said company, who came to my house in a Fortuner car at Bathinda. The said amount was given to him in my presence. Then my son and other boys, who gave money to Sushil Kumar, Director at Bathinda, were called to Mohali for an interview. Thereafter, my son Barjinder Singh and other boys were given appointment letters and they were also trained for 2 months. But in December 2019, we came to know that the said company closed its office. 3. That when we spoke to the said Director of the company, he said that the company which had applied to get the contract of Agriculture Department in Punjab was not accepted by the Punjab Government but now, they have applied for tender of F.C.I and Railways, so we do not need to worry, as they will give regular job to all the people in Railway or FCI, as these departments are directly under the Center Government. So, we have to pay Rs.5 lakhs per person for this job. If anyone does not want to pay more money, then they can appoint such person on the job by adjusting the advance amount and the remaining amount as per the scheduled agreement. Then through the said company, we were introduced to Karamvir Singh alias Karmiyan alias Suraj Bhan, a resident of Mirpur, Sirsa (Haryana) for getting employment in Railways and F.C.I, who said that if we wanted to get a job in Railways or FCI, then we had to give an advance of Rs.5 lakh per person for regular job. At this, my son talked to other boys and

collected money @ Rs.5 lakh per person-from a total of 10 people and deposited some amount in Suraj Bhan's account and some amount was given to Suraj Bhan in Delhi on his asking. In September/October 2019, Suraj Bhan sent my son and other boys to Calcutta for training and they were also given appointment letters but these appointment letters were later found to be frivolous. All these documents are enclosed with the complaint. Out of the said amount, Rs.10 lakh was also given to Prince, who claimed himself to be a contractor of I.R.C.T.C company. 4. That boys who earlier applied for jobs through Sushil Kumar, 10 boys went to the Railway and the remaining 4 were selected in service in F.C.I, Hisar, who were sent for training in the godown at Hisar. Rs.12 lakhs were deposited in Sushil's account for the employment of these boys and Rs.10 lakhs were given to Sushil Kumar in cash, but the appointment letters issued by F.C.I were also found to be forged after conducting enquiry. 5. After that those boys who earlier applied to ADB Company through Sushil Kumar, 5 boys out of them, Sushil Kumar sent to Suraj Bhan and Suraj Bhan told these boys that they would get employment in FCI and asked them to give Rs.22 lakh. As all of them had already stuck their money, accepted the demand of Suraj Bhan for hoping to get service and accordingly, Rs.12 lakh was deposited in the account of Suraj Bhan. Then these boys were sent to Ranchi for FCI training, where the training center also turned out to be fake. When we came to know about the fraud committed by all of them with my son and other boys in connivance with each other, we talked to Sushil Kumar and Suraj Bhan and asked for our money back. Then Sushil Kumar and Suraj Bhan etc. assured us that we will definitely give employment. Then they introduced us to Ram Mehar Sharma, Director, Jan Chetna Gramin Empowerment and Employment Ltd., who told us that they

have social welfare work in Haryana, but in lieu of this work, according to the demand made earlier with Sushil Kumar and Suraj Bhan, we will have to pay the remaining payment, which is about Rs.25 lakh. On his assurance, Rs.15 lakh was given to Ram Mehar Sharma and Rs.10 lakh was given to Krishan Kumar. The said amount was given in an account and in cash. Then Ram Mehar Sharma and Krishan Kumar made all these boys join in Jan Chetna Rural Development and Employment Limited at Panchkula but thereafter, in view of the issue of the directions issued by the Central Government due to the fear of the spread of the Covid-19 epidemic, the above office has also been closed. Said persons in connivance with each other have cheated us for crores of rupees for getting employment to unemployed youths and they have ruined the future of my son as well of other boys. Kindly take legal action against all of them. Yours faithfully. Yadwinder Singh.”

3. The Counsel for the petitioner contends that he has been falsely implicated in the present case. In fact the complainant himself had cheated 30 persons and now is attempting to exculpate himself and apportion guilt on Sushil Kumar, another accused. During the course of the investigation, no incriminating article relating to the present offence had been recovered from the petitioner. Even otherwise, the story put forth by the prosecution was improbable. As the petitioner was a first time offender, in custody since 15.12.2023 and none of the 10 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, the petitioner was entitled to the concession of bail, moreso when the case was triable by the court of a Magistrate.

4. The Counsel for the State contends that the petitioner and his

co-accused fraudulently and dishonestly induced the complainant and other persons to part with huge amount of money on the pretext of procuring jobs in the Department of Railways and Food Corporation of India. The accused had received huge amount of money for the said purpose. The petitioner himself was very much part of the conspiracy along with Sushil Kumar, the Director of ADB Infotech Company Pvt. Ltd. Therefore, as the offence was established beyond any reasonable doubt, petitioner was not entitled to the concession of bail. He however concedes that the petitioner was a first time offender, in custody since 15.12.2023 that none of the 10 prosecution witnesses had been examined so far and that the case was triable by the Court of a Magistrate.

5. I have heard learned Counsel for both the parties at length.
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 and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 15.12.2023 and none of the 10 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded

anytime soon. Further, 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. Therefore, his further incarceration is not required.

8. Thus, without commenting on the merits of the case, the petitioner-**Karamveer Singh @ Karamia @ Suraj Bhan @ Dharamveer** son of Sh. Rameshwar Das is ordered to be released on bail subject to their satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

11. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 09, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>