



213 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-24780-2024  
Date of decision: 8<sup>th</sup> July, 2024

Sushil Kumar @ Deepak

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manvinder Sidhu, Advocate for the petitioner.  
Mr. A.S. Samra, AAG, Punjab.

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MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner seeking pre-arrest bail in case arising out of FIR No. 228 dated 21.10.2020 registered under Sections 420, 465, 468, 471 of IPC, 1860 at Police Station Canal Colony, Bathinda.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the Yadwinder Singh alleging therein that in the year 2019, one advertisement was got published by ADB infotech Pvt. Ltd. in newspaper for employing workers on contractual basis for Agricultural Department, Punjab as this company had received contract in its favour. The son of the complainant moved an application with the abovesaid company for securing a job. The petitioner who was Director of the abovesaid company met him and induced him to pay a sum of Rs. 2,00,000/- if he



wanted to get job in the company by representing that his company would be hiring him on contractual basis for ten years and thereafter, his services would be regularized. He even asked the son of the complainant to join more persons who were interested in getting job with him. The complainant also met the petitioner and he too was induced to find more persons for taking jobs with the company of the petitioner. The complainant made contact with his acquaintances and thirty of them were interested to secure jobs but as they could not pay the amount of Rs. 2,00,000/-, therefore, this fact was told by the complainant to the petitioner who asked to make payment of Rs. 50,000/- by each of those thirty persons in advance and to pay the balance amount of Rs. 1,50,000/- on getting the job. The complainant and the above thirty persons handed over a sum of Rs. 15,00,000/- to the petitioner in April, 2019. His son and these persons were called for interview and appointment letters were given to them. They were also given training for two months but thereafter, the company of the petitioner closed its office in December, 2019. On asking, the petitioner told that his company could not secure contract from the Agricultural Department but represented that hence they had filled tender with Railways Department and Food Corporation of India and the complainant and others would be given regular jobs in those departments, if they parted with Rs. 5,00,000/- and also told them to join one Jan Chetna Rural Improvement and Employment in Haryana in the alternative. On the inducement so given by the petitioner and co-accused Karamvir Singh, the complainant's son and nine more persons deposited a sum of Rs. 5,00,000/- each in the account of one Suraj Bhan as per



instructions of the petitioner and co-accused. They were also issued appointment letters and were sent for training in October, 2019 but soon thereafter, they came to know that even these appointment letters were fake and fabricated. The complainant, therefore, prayed for taking action against the petitioner and other persons involved in duping them of money and cheating them and also committing offence of forgery with them. After registration of FIR, investigation proceedings have been initiated and are under way. One accused namely Dharampal was arrested and has since been extended benefit of regular bail. The petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional District Judge, Bathinda which was dismissed on 01.05.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, to cover up his own false promises and mis- representations with other people, the complainant had got lodged a false case against him. There is nothing on record to show that he had ever received any money from anyone or the complainant as alleged by the latter. The allegations against the petitioner are not having any legal basis. The co-accused Krishan Kumar has been extended benefit of interim anticipatory bail and co-accused Dharambir Singh has been extended benefit of regular bail. His custodial interrogation is not required. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is argued that the petition deserves to be allowed.



4. *Per contra*, learned State counsel has vehemently argued that there are serious and specific allegations against the petitioner as it was he who admittedly as Director of the ADB Infotech Pvt. Ltd. not only got published an advertisement in the newspaper inviting public persons to join as workers on contract basis with it but also induced the complainant and his son to part with a sum of Rs. 2,00,000/- and then a sum of Rs. 5,00,000/- for the purpose of securing a job for him. It was on his inducement that the complainant had introduced him with thirty of his acquaintances, who too were duped of huge amount of money by the petitioner and the co-accused. His custodial interrogation is must. The case of the petitioner is not at parity with the co-accused since he is the kingpin of the crime. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. It is not the case of the petitioner that he was not director of ADB Infotech Pvt. Ltd. and that no advertisement was issued by this company thereby inviting public persons to apply for jobs with it for the purpose of doing contract work with Agricultural Department, Punjab. The complainant has levelled specific allegations that firstly a sum of Rs. 2,00,000/- and then Rs. 5,00,000/- paid by him for securing job for his son and that the thirty persons introduced by him paid a sum of Rs. 50,000/- each to the petitioner and then a sum of Rs. 5,00,000/- each had been given



by nine more persons on the asking of the petitioner to the co-accused. The allegations against the petitioner are serious and specific in nature which require thorough investigation to unearth the truth. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Moreso, no extra ordinary circumstance is shown to have been made out in this case to extend benefit of pre-arrest bail. As such, I find no reasonable ground to allow the petition. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

8<sup>th</sup> July, 2024  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |