



CRM-M-33576-2024 and
CRM-M-34222-2024

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-33576-2024
Date of decision:25.07.2024

AJAY KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

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CRM-M-34222-2024

ARVIND GARG

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. G.S. Ghuman, Advocate
Mr. G.P.S. Ghuman, advocate
Mr. P.S. Maan, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

Ms. Neeru Bansal, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

1. This order shall dispose of the above mentioned 02 petitions
as both the petitioners are named as accused in the same FIR and have



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approached this Court for the third time by way of separate petitions under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
776	29.12.2021	Gharaunda, District Karnal	406, 420, 467, 468, 471, 120-B, 506 of Indian Penal Code, 1860

2. For the sake of convenience factual position is taken from CRM-M-33576-2024.
3. FIR, Annexure P-1, has been registered on the allegation that Parvesh Kumari, Arvind Garg (petitioner in CRM-M-34222-2024), Vinod, Janak along with Sohan Lal, assured the complainant that they will get him employed in a Government job and demanded Rs. 9 Lacs, which was paid. An amount of Rs.2 Lacs was given to them on 11.11.2014, Rs. 5 Lacs on 20.02.2015 and another Rs. 2 Lacs on 25.04.2016. It has been further stated that the said accused along with his brother Vinod and Ajay Kumar (petitioner in CRM-M-33576-2024) cheated him and embezzled the money. When he demanded the money back, they intimidated him. Eleven more persons, who have been duped on the same pretext have been mentioned in the complaint.
4. Counsel for the petitioner has argued that petitioner is an innocent person and has been falsely implicated. He has asserted that although it has been alleged that the petitioner has been entrusted with an amount of Rs. 2 Lacs but no recovery has been effected from him. He submits that long detention of the petitioner entitles him to be released on bail as the prosecution has failed to examine any witness.



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5. Per contra, learned State counsel submits that the petitioners are members of a family and in connivance with each other they have not only duped 12 persons named in the complaint but are also involved in other criminal cases with similar allegations in different states. He has vehemently opposed the petition by submitting that one of the co-accused namely, Manzoor Ahmad Ghani, who was granted regular bail by this Court has absconded and was declared as a Proclaimed Offender by the trial Court. He asserts that this has resulted in the delay in the prosecution. Supporting him, counsel for the complainant submits that the complainant possesses photographs with the accused as also documents to show that the complainant was taken for training on the pretext of induction in the Indian Army. Counsel for the complainant submits that the total amount duped by the accused works out in crores.

5. I have heard counsel for the parties and considered their respective submissions.

6. The previous petition preferred 1 by the petitioner was dismissed by this Court vide order dated 28.11.2023 by making the following observations:-

“ 7. From the material brought on record in the status report, it transpires that on arrest accused Parvesh Kumari stated that she had collected money from over 300 students for getting them employed in the Indian Army and paid the entire money to co-accused Manzoor Ahmad Ghani, who is the main culprit. In his confessional statement, Manzoor Ahmad



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Ghani admitted that he is running a racket of securing employment in the Indian Army through his accomplices, namely, Gulzar, Fayaz Ahmad, Shakeel Ahmad and Abdul Hameed and had transferred a sum of Rs.1 crore for securing jobs in IRP to Basir Dar, who is an officer in the Territorial Army and had paid Rs.3.50 lakhs to his T.A. and a substantial amount to Gulaha Mohammad Hakum, an officer in the MES (Military Engineering Services). He further stated that over Rs.6.65 crores had been received by him from more than 300 students. An amount of Rs.2 lakhs was recovered from accused Parvesh Kumari. Accused, Ajay Kumar, who was in custody in another case and his presence was secured through production warrants, admitted that an amount of Rs.2 lakhs came in his share. Similarly, some other accused were associated with the investigation, who revealed the details of the racket. Statements of 14 victims were recorded and they produced documents to show that they had paid Rs.92.40 lakhs on the pretext of job in MES and Territorial Army. On conclusion of investigation, challan has been presented against both the petitioners and charge has been framed. Some prosecution witnesses have also been examined by the prosecution.

8. Allegations levelled against the petitioners are serious. Petitioner along with the co-accused have formed a well oiled racket and are cheating youngsters on the pretext of employment in the Indian Army. Specific role has been ascribed to the petitioners and their complicity in the crime would remain a subject matter of debate before the trial Court, which shall be determined on the basis of evidence adduced before it. Petitioners are active members and in case they are



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released on bail, there is every possibility that they may try to influence or win-over the prosecution witnesses or try to abscond.”

7. Petitioners preferred an SLP before the Supreme Court, which has been withdrawn vide order dated 03.06.2024, Annexure P-9. Within a few weeks of the dismissal of the SLP, present petition has been filed. There is no change in the circumstances and this Court is satisfied that the petition for grant of bail does not deserve to be entertained.
8. Both the petitions are dismissed.
9. Any observation made hereinabove shall not be construed to be an expression on the merits of the case.
10. Pending application, if any, also stands disposed of.

25.07.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No