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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34945-2024
DATE OF DECISION: 24.07.2024

MANOJ KUMAR

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.K. Yadav, Advocate for
Mr. Neeraj Saini, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.284 dated 06.05.2024 registered under Sections 120-B, 420, 467, 468, 471, 180 IPC at Police Station Samalakha, Panipat.
2. The above mentioned FIR is reproduced below :-

'To Hon'ble Anil Vij Sir, Home Minister Haryana Government. Subject:- Application for taking legal action against Narender S/o Bisna, resident of village Budshyam, District Panipat, Mobile no. 90500-00288 and two others extracting Rs. 9.00 lacs on the pretext of providing job in Railway and giving joining letter and on demanding the money back, threatening to kill. Sir Ji, It is submitted that I, Sheela widow of Jasbir, am resident of village Atta, District Panipat and am an illiterate women. Rajbala, Bua's daughter of aforesaid Narender is my Devrani, due to this Narender had visiting terms at our house and in the first week of December, 2019 Narender had come in our village Atta to his Bua's daughter Rajbala and while alluring me started saying that he has settings in Railway, he would get my son required in Railway and demanded Rs. 12.00 lacs in lieu of providing job. I fell into smooth talks of Narender and Narender told that half amount of Rs. 6.00 lacs has to be given first and

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give remaining amount of Rs. 6.00 lacs after joining the job. After this on dated 25.12.2019, Narender had brought an application form of recruitment of Railway and after obtaining signatures of my son, took Rs. 2,50,000/- and s guarantee for remaining amount, got my signatures on a promote and assured that he would get this form deposited by hand in person. After that, after about one week, we received a letter by post. We made a phone call to Narender and then Narender came to our house on 02.01.2020 and after reading over the letter started saying that on date 06.01.2020, we have to go got Medical Examination at Lucknow and took Rs. 50,000/- from me. After this, my son Pardeep reached at the address given by Narender on 06.01.2020 and talked on the phone number given by him, then a man came to take my son Pardeep at Railway Station itself and from there took o the hospital and there after getting Pardeep medically examined, went him back. After 15-16 days thereafter, again an Interview letter was received at my house by post and Narender stated that interview of Pardeep would be on 28.01.,2020 in Railay Bhawan, Delhi nd after getting a phone number noted down to us that after reaching at Delhi station, dial at this phone number, he is his man, who himself would get interview done. After this on 28.01.2020, when after reaching at the address given by Narender made a phone call, a man of Narender took us in n office and after getting signatures of my son Pardeep on 2-3 papers, stated that you may go and joining letter would be received t your house. After this on 25.02.2020, Narender had come at my home and after taking Rs. 4.00 lacs from me started saying that I would get joining letter sent very soon. After this on 05.03.2020, we received joining letter at our house by post and Narender told that on 05.04.2020 you should reach at Anand Vihar Railway Station alongwith my all documents as well as joining letter and got us noted down phone number of his men. After this on 05.04.2020, my son Pardeep, as per his instructions, alongwith his all documents i.e original Mark-sheets of 10th and 12th, Aadhr Card, Pan Card, Bank Account Number, Identity Card, Ration Card and joining letter, after reaching ad Anand Vihar Railway Station, had made a phone call, then two men of Narender came and after taking original joining letter and all the aforesaid original documents and Rs. 5000/-, started saying to my son tha your duty would start from Monday, but you will have to come on duty afte lockdown is opned. After this on 25.07.2020, Narender came to my home an- stated that today itself you have to join duty and started demanding remainin amount from me, but on that day I was having only Rs. 2.00 lacs,

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which were took from me by Narender and took me and my son in his car to Delhi and there after taking us in New Delhi Railway Bhawan, got signatures of my son in an office and told that next week you will receive a phone call, only thereafter, you will have to come on duty, by that time, police verification will also be done. But after that no phone call was received. Then we after waiting, had made a phone call to Narender, then Narender started making excuses. Then we felt suspicion and inquired at our own level and we came to know that Narender, after committing fraud with us, has extracted money and joining and medical letters all were forged. I also came to know that in this process, 2-3 persons who had been helping Narender, were lodged in jail with Narender in the year 2019 and at that time, Narender was also lodged in the crime of committing murder of his father and in jail all three of them had made a plan. After this, Narender started not attending my phone, Then I had convened a Panchyat and Narender had given two cheques of Rs. 4,50000/- bearing Cheque No. 000007 dated 21.09.2020 of Narender's accomplice Manoj and second Cheque No. 067822 dated 06.08.2020, as guarantee. But both those cheques had been failed. Then in June, 2021 I had given an application against Narender in the Police Post, Hathwala, then relatives of Narender were called and I was given assurance that very soon within a period of three months, he would return money as well as papers. But despite that even, Narender continued making excuses and then in order to put pressure on me, after filling up the pronote, taken as security, at his own, had filed a false case of recovery of Rs. 4,50,000/- against me so that I should not take any action. I am a poor widow lady. After committing fraud with ne, ne has grabbed Rs. 9,00000/- and has also kept original documents of my son. After taking action, we may be provided justice. Narender has also taken oney from many other boys for getting them recruited in Railway. That earlier also I had given an application to the Hon'ble Superintendent of Police, Panipat and S.H.O. Samalkha, on which also till date no any legal action has been taken. Dated: 02.03.2024. Sd Sheela. Applicant Sheela widow of Jasbir, resident of village Atta, District Panipat, Mobile No. 7419954349, 8053525034. Police action:- On dated 06.05.2024, in Police post Hathwala, Panipat, a complaint No. 200-HM dated 19.03.2024 of Shell widow of Jasbir, resident of village Atta, District Panipat after its verification by the concerned officers was received by me, ASI for taking further action. From the contents of the aforesaid application, finding commission of offence under sections 420,467,468,471,120-B IPC,

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therefore, a writing is sent to the police station through Constable Surender No. 526 for getting a case registered. After registering a case, FIR number be intimated and special report of the present case be got sent to the concerned officers. At- Police Post Hathwala, Panipat Sd/- SETHAN PAL ASIU, Sethanpal No. 20, police post Hathwala, Panipat dated 06.05.2024, At Police Station On receipt of the writing in the police station through Constable Surender No. 526, after registering FIR No. 284 dated 06.05.2024, under sections 420,467,468,471,120-B IPC in police station Samalkha, District Panipat, computerized copies of the FIR have been prepared. Copy of police file alongwith original writing is being sent to the I/O at the spot through the coming Constable. Remaining copies of the FIR as special Report are being sent through Email to the Illaqa magistrate as well as concerned officers. The First Information Report has been registered in the presence of ASI Ashok 900.

3. Learned counsel for the petitioner submits that the petitioner is only a guarantor to the transaction which took place between the complainant and co-accused Narender Singh and in light of the fact that the co-accused Narender Singh has been granted concession of bail vide order dated 31.05.2024 passed in CRM-M-28998-2024 the petitioner being on a much better footing deserves the concession of bail. He fairly submits that the petitioner is involved in other FIRs as mentioned in para No.12 of the petition.

4. Notice of motion.

5. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from Investigating Officer opposes the prayer for grant of bail but is not in a position to controvert the submissions made by counsel for the petitioner that the role attributed to the petitioner as narrated in the FIR is only to the extent that he is only a guarantor and



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gave cheques against the transaction which took place between the co-accused-Narender Singh and the complainant-Sheela.

6. Keeping in view the limited role attributed to the petitioner in the FIR itself and learned State Counsel has also candidly admitted that his custodial interrogation would not be required at this stage subjected to his association in the investigation before the concerned officer, added with the fact that petitioner is not a beneficiary to the transaction in question involved in the FIR, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

7. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as **“Baljinder Singh alias Rock vs. State of Punjab”** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all



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probability would land the petitioner in a situation of denial of the concession of bail.

8. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

9. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

10. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

24.07.2024
anuradha

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