



CRM-M-41567-2024

-1-

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41567-2024

Date of Decision: 11.11.2024

Aman Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Khushdeep Mann, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court praying for granting him anticipatory bail in a case FIR No.172, dated 16.07.2022, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station City Muktsar, District Sri Muktsar Sahib.

2. Succinctly, the facts of the case are that the present FIR was lodged on the complaint made by Neeraj Kumar, wherein, it was alleged that his father Kirpal Singh died during his service and after his death, he had been applying to get service on compassionate ground. One Mahesh Kumar accused called him at Faridkot in March 2021 and introduced him to one Ram Kishan, Aman (petitioner) and Vikas Sharma and told that they can facilitate for providing him job in place of his father. He was told that money required to be paid though was Rs.10 lacs, however, they would charge only Rs.6 lacs from him. The complainant paid Rs.50,000/- to Mahesh Kumar and Ram Krishan, Rs.18,000/- to Vikas Sharma, Rs.1,50,000/- were deposited through RTGS in Krishan Kumar's account and Rs.36,000/- were given to Vikas Sharma. Thereafter, he was fraudulently issued a fake identity card of Food Corporation of India and an appointment letter of some



CRM-M-41567-2024

-2-

Godown. However, on enquiry, it was found that all the accused in conspiracy with each other had de-frauded the complainant by issuing a fake appointment letter. Thus, prayer was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Sri Muktsar Sahib praying for grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, learned Court declined the same vide its order dated 02.03.2023. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that the allegation against the petitioner is that he only counted an amount of Rs.50,000/-. It is submitted that from a bare perusal of the FIR, no offence under Section 420 IPC is made out against the petitioner. He submits that there being no *prima facie* having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that granting bail to the petitioner at this stage would hamper the ongoing investigation, which is at threshold. He thus prayed that there being no ground for grant of anticipatory bail to the petitioner, the present petition deserves to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the complainant made specific allegations



CRM-M-41567-2024

-3-

against the petitioner and the co-accused, wherein it was alleged that the petitioner in conspiracy with the co-accused had duped the complainant with a huge amount. The complainant was issued with a fake identity card of Food Corporation of India and an appointment letter of some Godown. However, the same were found to be forged and fabricated. From the allegations made in the FIR, a through and fair investigation is essential for unrevealing the truth.

7. Hon'ble Supreme Court in State represented by CBI Vs. Anil Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

8. Hon'ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is



CRM-M-41567-2024

-4-

to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

11.11.2024

sharmila

Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

: Yes/No

: Yes/Nos