



CRM-M-42771 of 2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-42771 of 2024
Date of Decision: 31.08.2024

Ghanshyam Dutt Bhardwaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajat Sheokand, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

Manisha Batra, J.(Oral)

1. Prayer in the instant petition has been made by the petitioner for grant of anticipatory bail in case FIR No.548 dated 12.12.2023 under Sections 420, 467, 468 and 471 of IPC, registered at Police Station Kalanaur, District Rohtak.

2. The present FIR has been registered on the basis of an information received from the complainant-AO for CWE Deolali alleging therein that on receipt of an information from the office of Superintendent of Police *qua* verification of the authenticity of an appointment letter issued in the name of Vishal son of Ram Avtar, R/o VPO, Gudhan, Police Station Kalanaur, District Rohtak, inquiry was conducted and it was revealed that no recruitment letter as claimed to have been issued in the name of above said Vishal, had in fact issued by his department and request was made for

Conducting investigation in the matter. Investigation proceedings were



CRM-M-42771 of 2024 **-2-**

initiated. During investigation, it was revealed that the present petitioner who was previously serving the Army and had retired after being posted in Security of Parliament, in connivance with the co-accused Anil Mohan who is his real brother and the other accused, had started inducing public persons to get them employed in defence forces and on that pretext, he used to extract money from them and had cheated them on the basis of forged joining letters, verification reports by getting furnished false forms and even by getting conducted their medical examination. On the basis of this information, the petitioner was nominated as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Rohtak which has been dismissed, vide order dated 17.08.2024.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He is ready to join the investigation. He had not been named in the FIR. No explanation has come on record as to how he has been connected with this case. No incriminating evidence has been collected against him. The DSP, Meham has recommended his name as an accused without giving any justification after a period of five months of lodging of the FIR. Previously, an FIR bearing No.777 dated 06.08.2023 was registered against him on similar allegations. His arrest has been stayed in that case. No money has been transferred in his account. The Investigating Agency is trying to save the actual culprits. His custodial interrogation is not required. No recovery is to be effected from him. He has a permanent abode. There are no chances of his absconding or tampering with the prosecution witness. No purpose would be served by

detaining him in custody. Therefore, it is urged that the petition deserves to



CRM-M-42771 of 2024 **-3-**

be allowed.

4. Notice of motion.

5. Learned State counsel, who has advance notice of the petition, is ready to argue the matter and has submitted that there are specific and serious allegations against the petitioner. He is alleged to have hatched criminal conspiracy with the co-accused Anil Mohan, Ram Surat and Karambir and in pursuance of the said criminal conspiracy, the victim Vishal had been cheated and was duped of a sum of Rs.10 lakhs for securing job in MES as a Clerk. The petitioner in connivance with the co-accused had prepared a false document in the form of joining letter in the name of the petitioner, even got him medically examined by showing that the victim had to join his duties as Clerk in MES, managed to forge documents for police verification of the victim and after police verification, his complicity had been unearthed when a police verification report had been sent to the office of Commanding Officer, MES, Headquarter Deolali, Military Engineer Services, District Nasik, Maharashtra.

6. It is submitted that the petitioner has criminal antecedents as he is involved in three more cases of similar nature. There are chances of his absconding if extended benefit of anticipatory bail. His custodial interrogation is must for the purpose of eliciting the information as to how he operated in duping innocent persons of money on the basis of false and forged documents as well as for conducting thorough investigation in the matter. It is further argued that even otherwise, no extraordinary and sparing circumstance warranting exercise of powers for grant of anticipatory bail has been made out in this case and hence, it is urged that the petitioner does not

deserve to be extended the benefit of anticipatory bail.



CRM-M-42771 of 2024 **-4-**

7. I have heard learned counsel for the parties at length and perused the material placed on record.

8. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance of the said conspiracy, he is alleged to have induced the victim Vishal to deliver an amount of Rs.10 lakhs for securing a job for him in Military Engineering Services as a Clerk. Not even this, he went a step ahead by forging a false joining letter in the name of the victim and preparing several false and fabricated documents for police verification. A specific role has been attributed to him. There are serious allegations against the petitioner. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is

CRM-M-42771 of 2024 -5-

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

31.08.2024
D.Bansal

(MANISHA BATRA)
JUDGE

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No