

2024 PHHC 117545



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

CRM-M-44287-2024
DATE OF DECISION: 09.09.2024

RATNAKAR PAPNEJA ...PETITIONER
Versus

STATE OF PUNJAB AND ANR ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Godara, Advocate for
Mr. M.S. Viridi, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 438 Cr.P.C.,
has been invoked seeking the concession, for the grant of anticipatory
bail to the present petitioner in FIR No.27 dated 26.07.2024, under
Sections 420, 406 IPC, 1860 registered at Police Station Punjab State
Crime Police Station SAS Nagar.

Learned arguing counsel is stated to be down with fever as
has been informed by Mr. Sandeep Godara, Advocate appearing for the
petitioner.

2. This Court have gone through the FIR with the assistance
of the learned State Counsel which is narrated as under :-

*‘Complaint from Bhushan Kumar Garg s/o Late Sh.Amar
Nath Flat No.207A, 5, Silver City, Thames Dera Bassi SAS
Nagar which reads as, - To the Director Bureau of Investigation*

Punjab Chandigarh, Financial Fraud of Rs.9.12 Lacs by Mr. Ratnakar Papenja r/o H. No.1861, Phase II, Urban Estate Patiala Own house Address:- H. NO.281, street No.1, New Patel Nagar Nabha Distt. Patiala PB. Mobile No.9592354000, Respected Sir, I am a retired Manager from SBI Chandigarh HO and also a Sr. Citizen of 73 years of age, request your goodself to please help me personally and details of fraud committed by Mr. Ratnakar Papenja are as under:- 1. I have lodged the enclosed complaint to respected ASP Ahluwalia Walia Madam at Mubarikpur (Derabassi) on 5.1.2024 and respected mam forwarded my complaint to SHO Derabassi vide diary no.04/P/ASP/DB dated 5.1.2024.

2. Since January 2024 I have been vigorously following up my complaint and recent investigation officer at PS Derabassi told me that despite their best efforts we are unable to call the fraudulent person at PS and that person is not turning up at the police station Derabassi. 3. After some time before I was informed by the IO and PS Derabassi that he visited the concerned person at Patiala and after his visit now I have been informed by the IO and SHO Sahib to file a civil suit in the court for your recovery of dues, reasons best known to the concerned officials. Thus no fruitful action/result have been seen during the 6 months' time. 4. I also came to know that this fraudulent person Mr.; Ratnakar is a gangster and operating a gang for recruitment of govt. jobs etc. to the innocent students as he also asked my daughter and her 2 relatives to get the job in Govt. Food Deptt. He asked her to send the testimonials which were sent to him on his above whatsapp mobile (copy enclosed) and all payments were made through his 2 banks accounts the details of his bank accounts were sent to us except Rs.1.50 lacs which was paid to him in cash(details enclosed) 5. Now Sir, he is not picking up our mobile and threatened us in past DO WHAT EVER YOU MAY BUT I WILL NOT RETURN THE MONEY, I

am an influential person. Sir, such type of persons should be in police grip so that innocent persons like us may not be their victim in future. 6. Sir, this was all my retirement benefits which I have given him in good faith for the sake of my daughters' job. 7. Sir, please help me in this matter on humanitarian ground and also save innocent children from such fraudulently persons in future. Thanks, Sir, in anticipation, Yours truly. Sd/- Bhushan Kumar Garg son of late Sh.Amar Nath Flat No.207A, Block A5 Silver City Themes, Derabassi, dated 12.07.2024 M.79866-27153, 92160-47839. This was referred to Inspector Vikas Bhatia BOY Punjab Chandigarh by Director, Bureau of Investigation, Punjab Chandigarh vide letter dated 16.7.2024 and in his investigation report dated 22.7.2024 he has written that "during investigation on writing the statements of both the parties and on the basis of the record of banks and PAYTM it was found that the respondent side Ratnakar Papneja is running a "My the Kitchen" where Neetika daughter of the petitioner has met him told that she was in search of some job and the Ratnakar Papneja offered her to work in his kitchen catering branch at Zirakpur/Derabassi and after that they were having telephonic talks. However, Ratnakar Papneja assured her through telephone to get her job and for that he demanded money from her and then her father started sending money to him on different occasions and then both were having faith on each other. Then Bhushan Kumar Garg talked with the Ratnakar Papneja that he had purchased a plot in Ambala in 1982 and the same has been acquired by Haryana Govt. and regarding the same a case is pending in Punjab & Haryana High Court Chandigarh and he has not received any compensation for the said plot so far. On this Ratnakar Papneja promised to help him to do this job on the condition that they will have to deposit some fee for the same and he also further asked him to bring some person with him who also needs this type of help and one

Amit Khurana known to him also agreed to this since he was also having a disputed plot in Ambala. Then Ratnakar Papneja took the relevant documents from both of them regarding the said plot. After this, according to the requirement of Ratnakar Papneja both Bhushan Kumar Garg and Amit Khurana started sending money in his account through PAYTM and online banking and they both sent an amount of Rs.9,12,800/-. Then the applicant kept on asking him for the job regarding his daughter but no proper reply was given to him and after that their talks stopped. After looking all these circumstances, it has been found that they have sent an amount of Rs.2,35,200/- to Ratnakar Papneja. Apart from this, amount of Rs.75,000/- had also been transferred by them in the bank account of Ratnakar Papneja which has been verified. The complainant has sent the total amount of Rs.9,12,800/- out of which a amount of Rs.7,32,800/- has been transferred through online. Final Report:- After investigation the record of bank and PAYTM it has been found that Ratnakar Papneja with the fraudulent intention for getting a job for the daughter of Bhushan Kumar Garg and also for getting the disputes resolved regarding the plots of Bhushan Kumar Garg and Amit Kumar Khurana pending since August 2023 till October 2023, even despite getting an amount of Rs.9,12,000/- and thus, a case is made under Section 406, 420 IPC is made out against accused Ratnakar Papneja in PS Derabassi Distt. SAS Nagar. Sd/- Inspector Vikas Bhatia Bureau of Investigation Punjab Chandigarh.'

3. Contentions

On behalf of the petitioner

On plain reading of the FIR and as per the contention raised in the petition, the dispute revolves around one plot which belonged to one person namely Amit Khurana. A litigation qua this

plot is already pending with the High Court but the details have not been available before this Court. However, further the allegation made on behalf of the complainant- Bhushan Kumar Garg is that he is retired manager from SBI Bank and on the pretext of securing a government job for his daughter and her two relatives in the Food and Civil Supply Department, Rs. 7,32,800/- stands credited in the account of the accused-petitioner by the complainant, whereas in counter, it is a case set up before this Court as well as before Trial Court while seeking anticipatory bail is that it was on a civil consideration the afore-said amount was paid in the account of the accused-petitioner, if any, whatsoever against a property which he proposed to sell to the complainant but later on the complainant had ill intentions and dragged the petitioner in the instant false FIR, having no iota of truth.

On behalf of the State

The assertions made on behalf of the State is that in case the petitioner joins the investigation the matter can be interrogated further but his custodial interrogation is not required at this stage, since the dispute is qua the amount already credited to the account of the petitioner and the same can be recovered, if at any stage required, by seizing the bank account of the accused-petitioner.

4. Analysis

In light of the above afore-said discussions and submissions, this Court do not find any reason to decline the present petition, in as much as, even otherwise if the allegations in the FIR are taken to be true and correct, the same do not inspire the confidence of

this Court at all since it was the complainant who promoted wrongful means to secure a job. After given a thoughtful consideration to the submissions made in the petition as well as the contention raised by learned State Counsel, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein 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 within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him 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 as reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

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 stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

09.09.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>