

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Harsh Chopra, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.168 dated 26.10.2022 registered under Sections 406, 420, 506, 34 of IPC and offences under Sections 465, 467, 468, 471, 120-B of IPC added later on, at Police Station Mukerian, District Hoshiarpur.
2. The FIR in the present case was got registered by Jiwan Lal, retired police official and the same has been reproduced below:

“To, Hon'ble SSP, Hoshiarpur. Subject: Regarding commission of fraud under the pretense of getting recruitment in Punjab Police against Balwinder Singh son Jagir Singh resident of village of Dera Saida, Police Station Sultanpur, District Kapurthala, Harjit Singh son of Kirat Singh resident of village Sahaipur, Police Station Bullowal, District' Hoshiarpur and Balvir Singh alias Shiv son of Partap Singh resident of Deva Colony, Mukerian. Sir, it is respectfully submitted that I, Jiwan

Lal son of late Shri Kishan Dass is a resident of village Kalsan, Police Station Mukerian, District Hoshiarpur and I run a grocery shop in my village. I used to come to Mukerian every day to buy groceries for my shop, whereby Balvir Singh son of Pratap Singh resident of Deva Colony, Mukerian met me several times and got acquainted with me. Who led me to: believe that his brother-in-law Harjit Singh, resident of Village Sahai, District Hoshiarpur, is an Inspector in Punjab Police, who has got connections with the top police officers of Chandigarh. Who has recruited many boys in the Punjab Police. After thinking for a few days, I handed over the education certificates of my relative Rohit Sharma son of late Kishore Kumar and 08 Lakh Rupees on the demand of Balvir Singh. When other relatives and acquaintances of mine came to know about this conversation, Balvir Singh colluded with his brother-in-law Harjit Singh and Harjit Singh's relative Balwinder Singh alias Saab and enticed him in a planned manner and these three had committed a fraud with a total of 18 boys, including my son, of Rs. 01 Crore 33 Lakhs. Whereas, we later came to know that Balvir Singh's brother-in-law Harjit Singh is not working in the Punjab Police. These three have defrauded us and many other people under the pretense of providing recruitment in the police by forming a gang. Regarding this matter, I submitted an application against them bearing No. 1381-SSP. dated 11.07.2022, during the inquiry proceedings of the same, Harjit Singh and Balwinder Singh had executed an agreement in writing on 20.07.2022 in the presence of the respectable persons to return the money, but till date, they have not returned any amount, but only the documents and usurped the entire money with fraud. Copy of the agreement is appended herewith. Sd/- Jiwan Lal, Jiwan Lal son of late Shri Kishan Dass resident of village Kalsan, Police Station Mukerian, District Hoshiarpur.”

3. Learned counsel for the petitioner contends that the complainant Jiwan Lal, who is a retired ASI from Punjab Police, has concocted a false version and got the FIR registered against the petitioner, by using his connections in Punjab Police. In fact, the complainant Jiwan Lal is himself as an accused in a case FIR No.54 dated 24.03.2023 registered at Police Station Mukerian under Sections 406, 420, 34 of IPC (Annexure P-2) and similar allegations have been levelled against him in the said FIR. He further contends that even though, 3 other cases have been ordered to be registered against the present petitioner, however, out of those three cases, he is on bail in one case and in another case, he is ordered to be acquitted. He further contends that the petitioner was arrested in the present case on 10.07.2023 and is in custody since then. The final report under Section 173 Cr.P.C. has already been presented against him.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been registered against the petitioner. He further submits that 03 more cases of similar nature have been registered against the petitioner and he had cheated the complainant to the tune of Rs.1.33 crores and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 10.07.2023 and is in custody for the last about 7 months. The final report under Section 173 Cr.P.C. has already been presented against the petitioner and conclusion of the trial may take quite a long time. Apart from that, all the offences in the present

case are triable by the Court of Magistrate and the custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner 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 to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

15.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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