

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-65484-2023
Date of decision: 06.05.2024

YASHPAL ATWAL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.P.S. Rai, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. R.S. Sharma, Advocate for respondents No.2 to 8.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.492 dated 09.09.2023, under Sections 406/420 of the IPC, registered at Police Station City Fatehabad, District Fatehabad.

2. On 04.01.2024, the following order was passed:-

"Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.492, dated 09.09.2023, under Sections 406/420 of the IPC, registered at Police Station City Fatehabad, District Fatehabad.

At the very outset, learned counsel for the petitioner submits that the petitioner himself is a victim at the behest of complainant Madan Pal, however, in order to show his bona fide, he is ready and willing to settle the issue once for all with all the aggrieved persons.

On the oral request of learned counsel for the petitioner, complainant Madan Pal, Gurmeet Singh, Geeta Devi, Suresh Kumar,

Randhir, Rimpay and Rajat Kumar, are arrayed as respondents no.2 to 8.

The petitioner is directed to file the amended memo of parties, with the Registry of this Court within the course of day.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent no.1-State.

Upon complying with the above directions, notice be issued to the newly added respondents no.2 to 8.

The parties shall cause an appearance before the Mediation and Conciliation Centre of this Court on 25.01.2024 to explore the possibility of some amicable settlement.

In the meanwhile, arrest of the petitioner shall remain stayed.

However, it is made clear that the present interim relief has been granted only to ascertain the bona fide of the petitioner.

Adjourned to 21.03.2024, for awaiting report from the learned Mediator."

3. On 04.04.2024, the following order was passed:-

On the last date of hearing, the following order was passed:-

"Learned counsel for the respondent Nos. 2 to 8 has caused his appearance and submits a table of calculation which depicts that the petitioner has already paid about Rs.26,00,000/- to respondent Nos. 2 to 8.

Learned counsel for the petitioner submits that he will bring the draft of Rs.13,00,000/- on or before the next date of hearing.

Adjourned to 04.04.2024."

Today, the learned counsel for the petitioner submits that due to financial constraints, the petitioner was not able to submit the balance amount of Rs.13 lacs, however, the petitioner is willing to deposit the balance amount in case some more time is granted to him.

At this stage, learned counsel for the complainant submits that infact in the order dated 21.3.2024, it was wrongly recorded that

Rs.26,00,000/- have been paid infact only Rs.8,00,000/- have been paid and rather Rs.26,00,000/- were required to be paid by the present petitioner.

He also opposed the prayer made by the learned counsel for the petitioner for granting of more time to deposit the balance amount.

However, in the interest of justice, and to see the bonafide of the petitioner, one last opportunity is granted to the petitioner to comply with the directions as issued by this Court.

Adjourned to 6.5.2024.

Interim order to continue.

4. At the very outset, learned counsel for the respondents submits that the petitioner has not been able to comply with the above directions, as issued by this Court.

5. The prosecution agency was set into motion on a complaint made by one Gurmeet Singh, and *inter alia*, alleged that he has been cheated by the petitioner, along with other co-accused, on the pretext of getting them jobs in various recruitments of HSSC (Haryana Staff Selection Commission), in the year 2021, and Rs.9,00,000/-, was demanded by the accused persons for the said job. Complainant further alleged that believing upon the accused persons, he had paid Rs.5,00,000/- cash, in advance, to the accused persons on 20.07.2021. Number of other persons have also filed a complaint against the present petitioner, and other co-accused, that they were also duped in the similar manner. During investigation it transpired that the petitioner in collusion with other co-accused, has approximately duped Rs.34,00,000/- from different people, by cheating, on the false pretext of providing job/employment, either to them or to their children.

6. Learned counsel for the petitioner submits that there is nothing on record to connect the present petitioner with the alleged crime, and the petitioner

is ready and willing to join the investigation. Learned counsel for the petitioner further submits that the entire case is based upon documentary evidence, therefore custodial interrogation of the petitioner is not required.

7. The petitioner earlier made a statement before this Court that he is ready and willing to settle the issue with all the respondents, and relying upon this statement, this Court had granted the interim relief to the present petitioner, and arrest of the petitioner was stayed. Thereupon, the petitioner remained evasive throughout, even he did not made any efforts at all to comply with the directions as issued by this Court.

8. Considering the conduct of the present petitioner, as well as the allegations levelled against him, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory bail, therefore, the instant petition is **dismissed** accordingly.

06.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No