

2025 PHHC 002191



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-535-2025
DECIDED ON: 10.01.2025

JASWINDER SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhinav Singla, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.54, dated 01.04.2021, under Sections 420, 465, 467, 468, 471, 120-B of IPC, 1860, registered at Police Station City-II, Mansa, District Mansa.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of application, Application No.46-2/159/ PM dated 01.02.2021, given by Leela Singh son of Sikander Singh, resident of village Kot Dharmu, Tehsil & District Mansa Mobile No.94646-61580. Subject: Application against Gurcharan Singh son of Gurdial Singh, resident of Deep Chand Street, Ward no.14, Cremation Ground road, Mansa, Vipam Kumar son of Mohan Lal, resident of Model Town, Riot victims colony, Bathinda, Jaswinder Singh @ Bunty son of Mewa Singh resident of Kotduna, District Barnala and Gurpreet Singh @ Kala son of Baldev Singh, resident of Kaleke, District Barnala regarding committing cheating and grabbing of money in the name of providing job to the applicant, was received at police station, the contents of which are as under: "To, respectable SSP Sahib, Mansa. Subject: Application against Gurcharan Singh (97800-05437) Ex. SHO son

of Gurdial Singh resident of Deep Chand MC Street, Mansa, Tehsil Mansa for committing cheating with the complainant in the name of providing job and for grabbing of amount. Sir, requested that I am Leela Singh son of Sikander Singh resident of village Kot Dharmu, Tehsil & District Mansa. Kanchandeep Singh son of Hem Raj resident of Kot Dharmu, friend of my son Kamaldeep Singh was known to the family of above said Gurcharan Singh who took my son to the house of above mentioned Gurcharan Singh once or twice who told my son that Gurcharan uncle has connections in many departments and he has provided job to many boys, girls in some departments and my son also told me about above said Gurcharan Singh. That my son talked with above said Gurcharan Singh with the reference of his friend Kanchandeep Singh then he told that now posts in department of Food Corporation of India will come and he will provide job to you in this department. He has connections with higher officers in this department. On which my son came to home and told me everything then I got agreed to talk with Gurcharan Singh to get job for my son in the above said department for his bright future. Thereafter, my son went with above said Kanchandeep to the house of Gurcharan Singh and talked with him regarding the job then he told that he will talk to us after discussion in the department, otherwise you consider your job as final and he will tell about the expenses to be comes on this work. Then my son alongwith his friend returned from the house of Gurcharan Singh and told me everything after coming to home. That in the first week of January 2020 above said Gurcharan Singh came to our home at village Kot Dharmu while he was alone and after discussion with us he told me to give Rs.7 lac in total for providing job in the department of Food Corporation, on which we have agreed to give this amount for getting job for my son and on the same day Gurcharan Singh took photo copies of educational and documents regarding identification of my son Kamaldeep Singh and told us to arrange money. As per saying of Gurcharan Singh I have arranged Rs.7 lac from my bank account or from some known persons and informed Gurcharan Singh in this regard. Then on 15.01.2020 | alongwith Amrital Singh son of Malkit Singh resident of Jatana Kalan, Lakhvir Singh son of Gurbachan Singh resident of Kot Dharmu, went to the house of above said Gurcharan Singh at Mansa and handed over the amount of Rs.7 lac to Gurcharan Singh as per his demand for job which we have taken in the bag. Gurcharan Singh checked it and kept it with him and told us regarding receiving of letter of the department within some days. Then after some days above said Gurcharan Singh bring one letter of Food Corporation of India vide memo no. FCI/7114/BARWALA/ 2019 EMPLOYEE NO.FCIHSR/86107801 DATED 11.01.2020 to our house on 22.01.2020 and given to us so that we may believe that Kamaldeep Singh has got job. Then after some days Gurcharan Singh bring and given to us Identity card issued by Food Corporation of India in the name of my son Kamaldeep Singh and thereafter,

Gurcharan Singh with intention to complete his fraud sent some of his close person with my son to Tohana (Haryana) and got his attendance marked in the office of Food Corporation of India and before that and after that kept my son at Barwala (Hisar) in the name of training for 2 months. That when my son was not appointed permanently in any office of Department of Food Corporation of India then we talked with Gurcharan Singh in this regard and he asked us to wait for some days as department fix duty of their employees as per their schedule but when my son was not assigned any duty then I alongwith my son and Amritpal Singh son of Malkit Singh resident of Jatana Kalan. Lakhvir Singh son of Gurbachan Singh resident of Kot Dharmu went to the house of Gurcharan Singh and talked with him regarding the permanent duty of my son then he has not given satisfactory answer to us, then we returned back to the house and inquired the matter on our own then we came to know that department has never issued any letter in the name of my son and nor my son got any job in the department. Thereafter, I alongwith Amritpal Singh and Lakhvir Singh above went to the house of Gurcharan Singh and asked him regarding committing of cheating with us in the name of job and requested to return our money then above said Gurcharan Singh said us to put signature on a written application and said that we will give application to DGP crime but we have refused to put signature on that application. In the application Gurcharan Singh has wrote that Leela Singh has given money to one me person resident of Bathinda in his presence, on which neither me nor persons went with me put any signature but later on Gurcharan Singh himself put our signature and give this application to the police so that Gurcharan Singh may save himself from the legal action to be taken. That above said Gurcharan Singh has committed breach of our faith and has received Rs.7 lac from us and committed cheating in the name of providing job. Therefore, by submitting application it is requested that case be registered against Gurcharan Singh for committing cheating with us in the name of providing job and justice be provided to us and our Rs.7 lac be returned to us. We shall be thankful to you. Applicant Sd/- Leela Singh son of Sikander Singh resident of village Kot Dharmu, Tehsil & District Mansa. Mobile No.94646- 61580 date: 01.02.2021. On which respectable SSP Sahib wrote that SP (PBI) to examine and ensure n/Legal action and send report in 15 days. Sd/- Senior Superintendent of Police, Mansa. Date: 01.02.2021. On which SP (PBI) Mansa in his inquiry report no.08/5C/SP/PBI/ Mansa dated 01.04.2021 wrote, the contents of which are as under, "conclusion of report and recommendations. Above said number application given by Leela Singh above was marked to I SP for inquiry, during inquiry of which I have joined into inquiry applicant Leela Singh son of Sikander Singh, Kamaldeep Singh son of Leela Singh residents of Kot Dharmu, Amrital Singh son of Malkit Singh resident of Jatana Kalan, Kanchanadeep son of Hem Raj resident of Kot Dharmu and respondent Gurcharan Singh son of Gurdial Singh resident of Deep

Chand Street, Mansa ward no.4, Cremation ground road, Mansa and recorded their statements recorded during the inquiry of application and watching of the attached documents it is found that Kamaldeep Singh son of complainant Leela Singh above and Kanchandeeep Singh son of Hem Raj resident of Kot Dharmu are friends of each other. Kanchandeeep above has told Kamaldeep Singh son of applicant that Gurcharan Singh son of Sh. Gurdial Singh resident of Deep Chand Street, Mansa ward no.14, cremation ground road, Mansa who is retired police officer and married at Kot Dharmu has good approach who can get job in department of FCI for Rs.7 lac. On the asking of Leela Singh applicant, Kanchandeeep Singh above talked with Gurcharan Singh to provide job to Kamaldeep Singh resident of Kot Dharmu in department of FCI and on 07.02.2020 applicant Leela Singh alongwith his son Kamaldeep and Kanchandeeep above came to the residential house of respondent Gurcharan Singh situated at ward no.14, Cremation Ground Road, Mansa where respondent Gurcharan Singh above promised applicant Leela Singh above that he will provide job to his unemployed son Kamaldeep Singh in Department of FCI easily for Rs.7 lac and respondent Gurcharan Singh above asked applicant Leela Singh to give this amount upto 15.01.2020. Thereafter, on 09.01.2020 applicant Leela Singh above has borrowed Rs. 1,20,000/- in cash from his commission agent Charna Ram resident of Nimm Wali Gali Mansa, on 10.01.2020 received Rs. 1,20,000/- in cash from his brother-in-law (Sala) Amrital Singh son of Malkit Singh resident of Jatana Kalan, • on 13.01.2020 got transferred Rs.1 lac from his relative Krishan Singh resident of Dhanpura in his accountNo. 100043046653 of Indusland Bank, Branch Mansa, on 14.01.2020 obtained gold loan of Rs.95,865/- by mortgaging gold to the weight of 43.20 grams belongs to him and his wife Sarabjit Kaur in Indusland Bank, Branch Mansa, on 14.01.2020 taken Rs.2 lac from his neighbor Lakhvir son of Gurbachan Singh resident of Kot Dharmu on interest in cash and on 14.01.2020 withdrawn Rs.30,000/- from bank account no. 199500101001762 of Corporation Bank, Branch Dulowal of his wife Sarabjit Kaur and on 15.01.2020 taken gold loan of Rs.43,145/- by mortgaging gold to the weighment of 19.50 grams in Indusland Bank, Branch Mansa. In this way applicant Leela Singh has arranged total Rs.7 lac to give it to the respondent Gurcharan Singh for getting job for his son. Regarding which during the inquiry applicant has produced photo copy of statement of his account no. 100043046653 of Indusland Bank, Branch Mansa, photo state copy of documents regarding taking gold loan on 14.01.2020 and 15.01.2020 and produced photo state copy of passbook of Corporation Bank, branch Dulowal of his wife Sarabjit Kaur and Amrital Singh resident of Jatana Kalan also recorded his statement. On 15.01.2020 applicant Leela Singh above has given Rs.7 lac in cash to respondent Gurcharan Singh above at his house Deep Chand Street, Mansa, ward no.14, Cremation ground road, Mansa in the presence

of his son Kamaldeep Singh, Kanchandeep Singh and Lakhvir Singh residents of Kot Dharmu and Amritpal Singh resident of Jatana Kalan, where respondent Gurcharan Singh in the presence of all promised applicant to provide job to his son Kamaldeep Singh in the department of FCI. In addition to this during the inquiry it has also come into notice that Kanchandeep, Kamaldeep Singh son of Hem Raj, Deepak Sharma son of Satpal Sharma resident of Kot Dharmu have also given Rs.7-7 lac to respondent Gurcharan Singh for getting job in department of FCI. On 22.01.2020 respondent Gurcharan Singh above sent Kamaldeep Singh son of applicant Leela Singh above and Kanchandeep and Deepak Sharma residents of Kot Dharmu to Tohana (Haryana) for verification with Vipin Kumar son of Mohan Lal resident of Model Town, Riot Victim Colony, Bathinda and Jaswinder Singh @ Bunty son of Mewa Singh resident of Kotduna (Barnala), during inquiry applicant Leela Singh above have produced letter issued by department of FCI No.ESST.01(Recruitment)/ 2018/ 2019 memo No.FCI/7114/Barwala 2019 Employee No. FCIHSR/86107801 regarding joining of Kamaldeep Singh above as AG-III (Clerk) and regarding duty at Barwala FCI Godown and ID Card No.232510360 issued by FCI India in the name of Kamaldeep Singh above on which designation AG-III office Jaipur has written. As per applicant, respondent Gurcharan Singh above has given above said documents to them. Thereafter, on 27.01.2020 Kamaldeep Singh son of applicant, Kanchandeep and Deepak Sharma residents of Kot Dharmu went to Barwala, District Hisar (Haryana). During inquiry respondent Gurcharan Singh stated regarding having friendly relation with Vipin Kumar son of Mohan Lal resident of Riot Victim Colony, Model Town, Bathinda, quarter No.EW890, Bathinda, further his connections with Jaswinder Singh @ Bunty son of Mewa Singh resident of Kotduna and Gurpreet Singh @ Kala son of Baldev Singh resident of Kaleke, District Barnala and through them with Angrej Singh office Pipli Road, Old Petrol Pump Kurukshetra and Raj Rohti Delhi in FCI Delhi and regarding receiving of money by Vipin Kumar etc. from Kamaldeep Singh son of Applicant Leela Singh and also from son of his brother-in-law Arshdeep Singh son of Gursant Singh resident of Kot Dharmu and son of his sister-in-law Jagsir Singh son of Binder Singh resident of Matti, Lakhwinder Singh son of Balvir Singh resident of Fatta Maloka, Harmandeep Singh son of Mandeep Singh resident of Mansa Khurd and Kanchandeep, Kamaldeep sons of Hem Raj, Deepak Sharma son of Satpal Sharma resident of Kot Dharmu and Gulshan Kumar son of Kishan Kumar resident of Mansa, Jagsir Singh son of Bikar Singh resident of Moosa and Gurpayar Singh son of Bikar Singh resident of Kulrian for providing job in the department of FCI. From all the above said facts it is found that on 15.01.2020 respondent Gurcharan Singh above in connivance with his companions Vipin Kumar son of Mohan Lal resident of Model Town, Riot Victim Colony, Bathinda, Jaswinder Singh @ Bunty son of Mewa Singh resident of Kotduna,

District Barnala and Gurpreet Singh @ Kala son of Baldev Singh resident of Kaleke, District Barnala received Rs.7 lac from applicant Leela Singh above for providing job in department of FCI to his son Kamaldeep Singh at his residence Deep Chand Street Mansa, ward no. 14, Cremation ground road, Mansa and committed cheating and with intention to commit cheating given forged/ false joining letter and ID card of department of FCI to Kamaldeep Singh son of applicant Leela Singh. Therefore, offence under section 420, 465, 467, 468, 471, 120-B of IPC is made out against Gurcharan Singh son of Sh. Gurdial Singh resident of Deep Chand Street, Mansa, Ward no.14, Cremation Ground Road, Mansa, Vipin Kumar son of Mohan Lal resident of Model Town, Riot Victim Colony, Bathinda, Jaswinder Singh @ Bunty son of Mewa Singh resident of Kotduna, District Barnala and Gurpreet Singh @ Kala son of Baldev Singh resident of Kaleke, District Barnala. If accepted then SHO Police Station City-2, Mansa be directed to register case under the above said offences against Gurcharan Singh son of Sh. Gurdial Singh resident of Deep Chand Street, Mansa, Ward no.14, Cremation Ground Road, Mansa, Vipin Kumar son of Mohan Lal resident of Model Town, Riot Victim Colony, Bathinda, Jaswinder Singh @ Bunty son of Mewa Singh resident of Kotduna, District Barnala and Gurpreet Singh Kala son of Baldev Singh resident of Kaleke, District Barnala and to bring all the facts on file during the investigation. If during the investigation any evidence comes on file against Angrej Singh office Pipli Road, Old Petrol Pump, Kurukshetra (Haryana) and Raj Rohti, New Delhi and any other person then relevant legal action be taken against them. Report presented for relevant orders. Sd/- Superintendent of Police (PBI), Mansa dated: 01.04.2021. On which respectable SSP Sahib Mansa made recommendations, SHO City-2 to register FIR and take up investigation as per law and facts. Sd/- Senior Superintendent of Police, date: 01.04.2021. On receiving of application at police station above said case under above said offences was started registering against Gurcharan Singh son of Sh. Gurdial Singh resident of Deep Chand Street, Mansa, Ward no. 14, Cremation Ground Road, Mansa, Vipin Kumar son of Mohan Lal resident of Model Town, Riot Victim Colony, Bathinda, Jaswinder Singh @ Bunty son of Mewa Singh resident of Kotduna, District Barnala and Gurpreet Singh @ Kala son of Baldev Singh resident of Kaleke, District Barnala, registered and case file record was completed.”

3. **Contention**

On behalf of the petitioner

At the outset, learned counsel for the petitioner submits that the matter has been compromised between the parties on the basis of compromise deed dated

06.12.2021 (Annexure P-2), but the same was withdrawn on 03.02.2022 (Annexure P-3). He further submits that in fact the petitioner has been declared proclaimed offender vide order dated 24.12.2021 and this order has been challenged vide petition No.CRM-M-50310-2024 and the same has been quashed vide order dated 13.11.2024 (Annexure P-4) passed by this Court. Thereafter the petitioner sought anticipatory bail moving an application before the Additional Sessions Judge, Moga, which has been dismissed, despite the willingness of the petitioner to join the investigation and to co-operate with the Investigating Officer during interrogation.

Notice of motion.

On behalf of the State/complainant

Mr. Naresh Kumar Ganga, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record. He admits the factum of compromise dated 06.12.2021 (Annexure P-2) and also endorsed no objection, in case the present petition is allowed and petitioner is admitted on anticipatory bail.

Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and submits that in the light of compromise entered between the parties, the custodial interrogation is not required at this stage.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that the admittedly the matter has already been settled and the complainant/respondent No.2 endorsed no objection in case, the petitioner is admitted on bail. I am of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

5. Decision

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (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 480, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

10.01.2025

Meenu

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