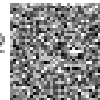


2025:PHHC:027852



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10908-2025
DECIDED ON: 27.02.2025

VIKAS ATEKAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhimanyu Singh,
Mr. Mohit Pal Singh and
Mr. Anuj Tanwar, Advocates
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.58, dated 05.03.2024, under Sections 406, 420 of IPC, registered at Police Station Bawani Khera, District Bhiwani.

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

"SP Office, Bhiwani Dairy No.6007 PG Dated 22.12.23. Sir, To SP Sir, Bhiwani, Sir, it is submitted that I am Pawan Kumar son of Sh. Krishan Lal is resident of Bhurtana Police Station Bawani Khera. That I and my friends had given examination of HSSC Group-D in the year 2018 for getting the job and I was not selected in the said examination. In the month of June, 2021, I came into contact with one Vikas son of Jaibir whose phone number is : 8607790786 resident of Village Durjanpur and he told me that he can get me selected in Group-D waiting list and he had demanded Rs. 7 lacs for the

same. Vikas has told me that his father is working in the Haryana Police and they have links in the Government and because I was in need of work/job, I trusted Vikas and had given Rs.35 lacs as advance to him. Vikas has told us that he had already talked with the higher officials and if somebody else wants to get job then he can be arranged for that also. Vikas confused me by way of his talks and then I gave an amount of Rs. 17,50,000/- for providing job to my younger brother namely Sonu son of Krishan, resident of Village Bhurtana and other relatives i.e., total five persons at the rate of Rs. 3,50,000/- and Vikas got this amount after visiting our house at Village Bhurtana and he also got our roll numbers i.e., 1. 4181585284 of Pawan son of Krishan, 2. 481650655 of Sonu son of Krishan, 3. 481681121 of Rahul son of Surender, 4. 4181945330 of Satish Yadav son of Jaibir, 5. 4181352835 of Ajay son of Mange Ram. Thereafter, he gave assurance to us with regard to his promise and then later on in June, 2022, we came to know that there is no waiting list of Group-D Employees circulated by the SSSC. Thereafter, we got suspicion upon Vikas and then we demanded our money back from him but he linger on the matter and by doing this, he did not pay the amount. When we said to Vikas that they want to get legal action against him then he gave assurances that he will pay in some months and gave four cheques drawn at SBI Bank total amounting to Rs. 17,50,000/- which were got bounced. Cheque No. 1. 65380612500220300528831, 2. 6538041250022030528831, 3. 65380312500220300528831, 4. 6538032150022030528831. Sir, after bouncing of cheques, we raised demand of the money from Vikas then he gave threaten to us by saying that his father is in the Haryana Police and he will implicate us in some false cases and he refused to return money to us. We are having call recording regarding transactions with Vikas and in this regard, we have already made complaint in the Police Station Bawani Khera but the concerned Police Station did not initiate any legal action. Sir, it is requested that kindly take strict legal action against him and justice be provided to us and our money may please be taken back from him. I shall be highly thankful to you. Dated: 22.12.2023 Sd/- Pawan Applicant Pawan Kumar son of Sh. Krishan Lal, resident of Village Bhurtana, Police Station Bawani Khera, Phone No. 9996822241."

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has

been falsely implicated in the present case and no case is made out against the

petitioner as alleged in the FIR. He further submits that nothing is to be recovered from the present petitioner and he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that there are serious allegations of committing fraud and embezzlement of money against the petitioner, therefore, his custodial interrogation is required.

4. **Analysis**

After giving careful consideration to the submissions made above, particularly to the fact that the prosecution has not presented any incriminating evidence linking the petitioner to the alleged offence, this Court cannot overlook the plea made on behalf of the petitioner regarding the cheques being handed over, which subsequently got dishonored. This matter falls under Section 138 of the Negotiable Instruments Act, 1881.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

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

27.02.2025

Meenu

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