

CRM-M-15483-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15483-2025
Reserved on: 02.07.2025
Pronounced on16.07.2025

Rajesh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. V.K. Pujara, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
504	26.10.2023	Parao, Ambala Cantt. Distt. Ambala	406, 420, 506 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That as a matter of fact, the present case FIR was registered against accused-petitioner alongwith other accused persons named in the case FIR, on the complaint of Rajesh Kumar Gautam, vide Complaint no. 5083-PW dated 04.09.2023 moved before the office of Superintendent of Police, Ambala and marked the same to PS Parao for further investigation, wherein the Complainant alleged that accused-petitioner, Rajesh Kumar son of Soran Singh and co-accused Rashid Khan after hatching a criminal conspiracy with each other, have cheated the complainant & his family

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and relatives for lacs of rupees by inducing him/them to arrange the job for his daughter Bhawna; nephew Devinder and niece Harsh. However, accused persons have neither arranged job for his daughter Bhawna; nephew Devinder and niece Harsh nor have returned money despite demands. Further, when he had demanded the money back, they had threatened to kill him." Hence this case. However, the detailed facts of the present case FIR have already been mentioned in Annexure P-1 attached with the present petition by the accused-petitioner, hence, the contents of the same are not repeated herein for the sake of brevity."

4. The petitioner's counsel submits that there is a delay of two years in filing the complaint and even otherwise the amount attributed to the petitioner is only Rs. 2 lacs. He further submits that petitioner was himself a victim of the crime and prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Counsel for the State opposed the bail and refers to the following portion of the reply, which reads as under:-

"6. That after registration of the case/FIR, on dated 05.11.2023, the Complainant was joined in the investigation who produced/submitted the documents including Bank Statements and photocopies of offer of appointments to the post of Tax Assistant Grade-III issued from the office of the Principal Chief Commissioner of Income Tax, New Delhi in the name of Bhawana Rani Gautam, Davinder Singh and Harsh Gautam; and photocopies of screenshots of payments made by the Complainant, which the IO took into possession as evidence vide memo duly signed by the Complainant. For the kind perusal of this Hon'ble Court, the copy of online statement showing the amount of Rs. 21,20,000/- and rest of the amount of Rs.3,00,000/- in cash is annexed herewith as Annexure R-2. It is further submitted that the IO recorded statement of the complainant under Section 161 CrPC.

x x x x

14. That on dated 29.11.2024, in furtherance of investigation, and in order to know the authenticity of the Offer letters and Appointment Letters, the IO in the present matter, reached at the office of Asst. General Manager (Service) for Chairman, Post Office, Katia Marge, Maulana Road, New Delhi regarding verification of the offer letters and at the office of Principal Chief Commissioner of Income Tax, New Delhi regarding verification of the appointment letters, which was duly received by the

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concerned officials. It is worthwhile to mention here that the concerned official of Income Tax Office, New Delhi, vide Letter having reference no.as F.No.Pr.CCIT/(HQRS-PERS.) (NG)/2024-25/13118 dated 29.11.2024 Informed the SHO, PS Parao, that, "... Appointment Letters issued in the name of Bhawana Rani Gautam D/o Rajesh Kumar Gautam & Davinder Singh s/o Sukhbir Singh for the post of Tax Assistant Grade-III forwarded with the above-mentioned letters have not been issued by this office i.e. Pr. Chief Commissioner of Income Tax, Delhi." Similarly, the concerned official of Post Office sent an email vide which the concerned official stated in the email that, ". it is submitted that the designation/address given by your office in letter No.504 dated 29.11.2024 i.e. Asst. General Manager (Service). For Chairman Post Office is not related to this office."

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"That as far as role of the accused-petitioner is concerned, the accused-petitioner Rajesh Kumar, son of Soran Singh in connivance with co-accused Rashid Khan after hatching a criminal conspiracy with each other, have cheated the complainant & his family and relatives for lacs of rupees by inducing him/them to arrange job for his daughter Bhawna; nephew Devinder and niece Harsh. However, accused-petitioner has neither arranged job for his daughter Bhawna; nephew Devinder and niece Harsh nor has returned money despite demands. Further, when the complainant had demanded the money back, accused-petitioner in connivance with co-accused had threatened to kill him. Thus, the custodial interrogation of the petitioner is very much necessary to ascertain the true facts. Moreover, recovery of the amount of Rs. 7,50,000/- is yet to be recovered from the accused-petitioner as co-accused Mohd. Rashid in his disclosure statement has disclosed that he has given Rs. 5,50,000/- on one occasion to the accused-petitioner as commission and Rs. 2,00,000/- in cash on another occasion from the Complainant as the accused-petitioner took the Complainant to Lucknow and he kept him there in a guest house named Mohd. Rashid, where co-accused assured the Complainant that he will get the jobs of his daughter in the Income Tax Department on which the Complainant got deceived by their words. Therefore, it is submitted that the present petition of the accused-petitioner may kindly be dismissed and the accused-petitioner be issued direction to join the investigation of the present matter as the investigation of the present matter is still in process and the present accused-petitioner has not

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been examined or joined in the investigation till date, so in order to elicit the truth regarding the allegations leveled by the Complainant against the accused-petitioner, the custodial interrogation is very much needed in the present case FIR.”

REASONING:

7. There is specific allegation against the petitioner which clearly points towards his involvement and regarding delay there were so many limitations as such this Court does not take delay as ground. In the entirety of facts and circumstances of the case, petitioner's custodial interrogation is required to recover the proceeds of crime.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** Interim orders are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

16.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.