

CRM-M-56741-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56741-2024
Reserved on: 13.02.2025
Pronounced on: 19.02.2025

Dilawar Mor ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Sanghi, Advocate and
Mr. Sourabh Sharma, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Sanchit Punia, Advocate and
Mr. Kander Mani, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
295	16.08.2024	Hisar civil Lines, District Hisar, Haryana	406/420 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. As per paragraph 8 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	179	25.06.2024	406, 420, 506 IPC	Julana, District Jind

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“:-To, The Superintendent of Police, Hisar.
Subject:-Initiating legal action Hisar. for commission of fraud by forming a Gang, decoying to get of Job and to send abroad extracting sum of Rupees 58 Lacs accused No. 1 Rakesh Sharma son of Surabjbhan Mobile Number 90684xxxxx, No. Dilawar Mor son of Rajjit Singh Miblle Number 97111xxxxx residents of Ramkali District Jind, No. 3 Tarun Sharma son of

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Narender Sharma Mobile Number 90686xxxxx, No. Pinky Sharma widow of Narender Sharma Mobile Number 94662xxxxx residents of Azad Nagar, Hisar, District Hisar Regarding. Sir, it requested that the applicant Ravi Kumar son of Mahender Singh is resident of Mirka District Hisar and is peace loving Citizen. That on 16.08.20201 together with my younger brother Yogesh had started Spine Sports Academy. Saket Colony, Azad Nagar Hisar. Pinky Sharma was the Councillor of Wad No. 19 Azad Nagar Hisar, as a result of which I frequently started visiting Pinky Sharma and his son Tarun, there were lot of students in my Sports Academy, Tarun Sharma used to visit Academy and there he started cajoling the students to get job and also assured me that we are having links with senior Political persons and earlier also we have get jobs to many children. In my Academy Suresh son of Ramswaroop resident of Arya Nagar Hisar and Shiv Kumar son of Prithvi Singh resident of village Kajla District Hisar, Amit son of Ramphal resident of Virat Nagar, Azad Nagar, Hisar Regd. No. 40003498625 and Ravinder son of Dharambir resident of Mangali Dhani Jantan district Hisar's younger brother Praveen, Roll No. 460205753, Mange Ram son of Bansi Lal resident of village Modan Kheda, District Hisar Roll no. 4804007799, and Sachin Kumar son of Sumer Singh resident of Shyam Sukh district Hisar Roll no. 2205844 fell into their trap and Tarun started promising Suresh and Shiv Kumar to get them jobs as postmen and others to get job in SSC (GD) and demanded a total of Rs. 60 lakh from all of them in the name of getting job. On which all the boys told me, then I asked Tarun to give a guarantor, on which Tarun and Tarun's mother Pinky Sharma introduced her brother Rakesh Sharma son Suraj Bhan and his friend Dilawar Mor son Ranjit Singh to us and said that if the work is not done, we guarantee the money back, on this all of us together gave a total of 48 lakh rupees at the rate of 8 lakh rupees per person to Tarun, Rakesh and Dilawar in the parking lot of Royal Bar in the month of January 2022. Later, the above four told me that if anyone wants to go abroad, we will send him abroad quickly in less money, on which I told them to send my brother Yogesh abroad, on which the above accused demanded 20 lakh rupees, on which I gave 10 lakh rupees to the accused in April 2022 in the name of sending my brother Yogesh abroad, after that for a few days the accused kept talking to us properly, later they stopped picking up our calls, on which we also held a Panchayat many times, but the accused said that we have links with higher ups, our job is to extort money from such people, if you complain to the police or put excess pressure then your money shall be invested upon you and you shall be get killed. That the accused persons have committed

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fraud with me and the boys of my Academy by decoying to get job and to send abroad have extracted total of Rs. 58 Lac, a case may be registered against the accused persons under concerned sections and our money may be get recovered. Along with it pen drive containing recording is also kept. We shall be grateful to you, dated 19.07.2024. Sd/- Ravi. Applicant Ravi Kumar son of Mahender Singh Sharma Resident of Village Mirka District Hisar, Mobile Number 99922xxxxx.”

4. The petitioner's counsel submits that petitioner money was never received by the petitioner and there is no specific evidence against the petitioner and there is delay in registration of FIR. He further 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. The State's counsel as well as counsel for the complainant opposes bail and refers to the reply. Counsel for the complainant submits that after cheating, petitioner delayed the matter on one pretext or the other.

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

“That as far as the role of the petitioner/accused it is submitted that the petitioner/accused along with co-accused cheated the complainant and other persons and cheated Rs 58 Laks, 80 thousands to arrange jobs for them and to send them abroad. That co-accused Rakesh Sharma also implicated the petitioner/accused accused and the as petitioner/accused has been specifically named in the FIR. In such a fact-situation, it does not lie in the mouth of the petitioner/accused at the stage that he has been falsely implicated in the present case or he has been unnecessarily harassed by the police. That the custodial interrogation of petitioner/accused is necessary for fair investigation of the case. That the present petitioner/accused does not have good criminal antecedents because 2 another FIR already registered against the petitioner/accused.”

REASONING:

7. Perusal of para 7 of the reply shows that co-accused/Rakesh Sharma has been arrested on 07.02.2025. Recovery of amount is yet to be made and further there is specific evidence against the petitioner that he has cheated the complainant by taking money for getting them jobs.

8. The sly way the petitioner conned the complainant points out the dangerous trend of the revival of thuggee by revisiting the history.

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9. 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.

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

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.02.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.