

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**

**Cr.M.P.(M) No.179 of 2022**

**Decided on: 27<sup>th</sup> January, 2023**

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Rawel Singh

..... Applicant

Versus

State of H.P.

.....Non-Applicant

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*Coram*

***The Hon'ble Mr. Justice Virender Singh, Vacation Judge.***

***Whether approved for reporting?<sup>1</sup>***

**For the petitioner:**

**Mr. N.K. Thakur, Senior Advocate,  
with Mr. R.S.Verma, Advocate, for  
the applicant.**

**For the respondent:**

**Mr. Y.P.S.Dhaulta and Mr. H.S.  
Rawat, Additional Advocates  
General.**

**ASI Raghuji Singh, I.O.,  
P.S.Rakkar, District Kangra, is  
present alongwith the police  
record.**

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**Virender Singh, Vacation Judge** (Oral)

Applicant-Rawel Singh, has filed the present bail application, under Section 438 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.PC'), with a prayer to direct the police/I.O. to release the applicant on bail, in the event of his arrest, in case F.I.R. No. 52 of 2022 dated

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<sup>1</sup> Whether the reporters of Local Papers may be allowed to see the judgment?

13.08.2022, registered under Sections 420, 467, 468 read with Section 120B, IPC with Police Station P.S. Rakkar, District Kangra, H.P.

2. According, to the averments made in the bail application, the applicant is permanent resident of address as mentioned, in the application and he is having deep roots in the society. According to the applicant, he is innocent person and has been falsely involved in this case, on the sole statement of co-accused, that to, during the police custody, which, according to him, is in admissible.

3. According to the applicant, he has no role in the commission of the alleged offence(s), for which, he has been named as accused. According to the applicant, he is ready to join the investigation, as and when directed by the I.O. to do so.

4. According to the applicant, he has filed the similar application before the Court of learned Additional Sessions Judge-II, Kangra at Dharamshala, H.P. on 26.12.2022, however, his application was ultimately dismissed vide order dated 17.01.2023.

5. Apprehending his arrest, the applicant has filed the present application, before this Court, in which, he has given certain undertakings, for which, he is ready to abide by, in case, any direction to the I.O./Police is issued, under Section 438 Cr.P.C.

6. When, put on notice, the police has filed status reports. In the status report, which was filed on 20.01.2023, police has mentioned the factual position that on 13.08.2022, Lucky Thakur son of Sh. Mandan Lal Resident of Village Mut Umra, Post Office Mehra Banni, Tehsil Paragpur, District Kangra, H.P. (complaint), has submitted that a complaint before the SHO. Police Station Rakkar, District Kangra, disclosing therein following facts:-

*".... It is to intimate that our jeeja Ram Chand ( Son in law our real Bua), Who is Indian Army, called use and told us that I have recruited many persons in Indian Army and Indian Railway Ram Chand said that he along with his assistant Naresh Kumar, (Who is also in Indian Army), also recruits in Indian Railways and Indian Army as we have setting with the officials of the department and we can also recruit you in Indian Railways and Army. He discussed the entire process of recruitment and told the full amount which he required as a security deposit, in the concerned department to provide us a prestigious government job. We told him that we are not aware about the legal procedure of recruitment process so we rely upon you blindly because, you are in Army and you are our relative. Then, he told us that this is a security deposit amount which is preconditioned to secure that prestigious job. He then gave us different Account No. and asked us to pay in the said Accounts. That on 24th February, 2020 we*

credited the amount of Rs 5 Lakhs, from my father Madan Lal's Account located at Central Bank of India, Pragpur, District Kangra (HP), bearing account No: 3599895554 in the Bank account of Sapna Baner (Rs.350,000/-) and Ram Chand (1,50,000/-) through RTGS and NEFT respectively Then, he gave us an E-mail ID and asked us to sent the documents on the said mail and told us that till 10 April 2020 you will be recruited in Indian railways. Then on 20 March 2020 he texted us and asked us to come to Jalandhar Bus Stand along with the documents But, on 19th March 2020 Ram Chand told us that due to Corona, the process is being delayed and please wait for some time. Ram Chand then told us that you will be recruited after Corona as due to Corona, all the officers of Indian Railways are closed.

6.1 After some days, Ram Chand called us and told us that on 20th August 2020 he is coming to India to meet us On 20th August, 2020 Ram Chand came to our house at Mat Umaran Rakkar) District Kangra, and told our parents that you don't need to worry, it is my promise and my responsibility to recruit them and the amount paid by you is safe and gave us guarantee to recruit us. After this, whenever we call him he used to say that due to Corona there is a delay in the recruitment process.

6.2 Then in the month of February, 2021 he again visited our house and told our family that there is one more vacancy of TC in the Railways and I can recruit your younger son also as TC in the Railways That in the month of February, Ram Chand while his visit to our house located at Mat Umaran (Rakkar) District Kangra, he took 1 Lakh (Rs. 100,000/-) Cash from my father Madan Lal in the presence of my uncle Manohar Singh S/O Shri Sant Ram, R/O Mat Umran, Tehsil Rakkar, District Kangra (HP), my Mother Beena Devi .younger brother Shivam, Lucky Thakur (me), and for the payments ,he gave us the Account No, and asked us to do the payment That on 20th February 2021, we credited the amount of Rs. 3 Lakhs from my father Madanlal's Account located at Central Bank of India, Pragpur District Kangra (HP), bearing account no 3599895554, in the Bank account of Naresh Kumar (Rs300,000/-) in two transactions through RTGS and NEFT respectively.

6.3. That on 24<sup>th</sup> May 2021, we credited the amount of Rs 15 Lakhs from my bank account (Lucky Thakur), located at Central Bank of India, Pragpur District Kangra (HP), bearing account No.3354952525, in the Bank account of Naresh Kumar on the advice of Ram Chand (RS 150,000/- through

NEFT Then Ram Chand told us that he will personally handover us the joining letter along with Buaajee They also ask as the bring sweet as Laddo because your Jeeja has done very hard work to get a Govi job which is very difficult nowadays The date of joining in the letter was written as 25th August 2021 to 27th August 2021 Ram Chand then asked us to come to Danapur on 23rd and we went to Danapur on 23rd August 2021 After reaching there his assistant Naresh Kumar requested us to stay in Hotel for 2-3 days. After living for 5-6 days in Hotel, Ram Chand called us and asked us to come to Patna Railway Station.

6.4 When we reached Patna Railway Station his assistant Naresh kumar called us and invited us to come to Hanuman Mandir nearby that railway station When we reached there, 2 sardars met us who asked us to sit in their car. They said show your documents given by Ram Chand and when they saw the documents, they said that the documents are incomplete. Then they said that you go home and said that Ram Chand will tell you what other documents are requires Ram Chand then told us that your documents will be completed soon and your full payment is also Pending.

6.5 That on 4th September 2021, we credited the amount of Rs 1 lakh, from my bank account (Lucky Thakur), located at Central Bank of Indian Pragpur District Kangra(HP), bearing account No. 3354952525, in the Bank account of his person Naresh Kumar (Rs.100,000/-) through NEFT and the copies of all the Bank Statements are being placed here as Annexure C-1 for the Kind perusal of the police officials He told us that I will complete all your documents and then you will get the mail and joining letter from the Indian Railways again Jeeja Ram Chand told us that when you will come to meet me with the joining letter ,then I will take the rest of the payment as cash When we got a mail of joining letter, the joining date was 29-9-2021.

6.6 Ram Chand invited us to come to Bardhan from where we will go to Howrah West Bengal When we reached Howrah Railway Station West Bengal, we called his assistant on his advice Naresh Kumar and he requested us to y in Hotel For 2-3 days Thereafter a Railway Employee will come and will take stayus to Training Centre He called us that first of all please handover the rest of amount to my wife your sister)as soon as she will receive the payment and she will confirm it to me after that you will receive the joining Letter and intimated us that now we have received your full payment you will handover your medical to my assistant (a Railway Employee).

*Then they will provide you the joining letter, id card and salary slip But after receiving all documents from their assistant and fake officials for many days we didn't get any joining Indian Railway and salary We asked our Jeeja Ram Chand about this then he explained that the server of Railway is down and there is a minor correction in these joining letters. So you have to go for joining in Chandigarh The Railway officer Sapna who is my sister working at Chandigarh Railway Station will assist you and help you there. We met Sapna and she was making us fool and was not able to clear any of our queries. Later on, we come to know that all documents were take which were handed over to us by our Jeeja, Ram Chand and his team. They have cheated, forged, looted, made a fraud and breach of trust with us. So, you are requested to register A fir against Ram Chand and his entire team and they should be punished as per law.*

7. On the basis of above facts, the police registered the F.I.R. in question and the investigation, then was entrusted to ASI Raghuji Singh of Police Station Rakkar.

8. During investigation, complainant, Lucky Thakur, has submitted the self attested photo copies of the alleged joining-cum-transfer letter for group-C, pertaining to himself as well as his brother Shivam. Thereafter, statement of the complainant was recorded under Section 161 Cr.PC. and Section 120B IPC has been added, in this case.

9. It is further case of the police, that during investigation, on 16. 08.2022, the account details of the complainant Lucky as well as his father Madan Lal were obtained from Central Bank of India, Branch Paragpur. During

investigation, it has been found that father of the complainant had transferred a sum of Rs. 3,50,000/- on 24.02.2020, out of his account No. 3599895554 to the account of Sapna Baner through RTGS and Rs.1,50,000/- in the account of Ram Chand. Similarly, during investigation, it has also been found that a sum of Rs.2,00,000/- were transferred in the name of Naresh Kumar on 20.02.2021 through RTGS and again he had transferred a sum of Rs. 1,00,000/- to account of Naresh Kumar, through NEFT. Similarly, complainant Lucky, had transferred a sum of Rs.1,50,000/-on 24.05.2021 through RTGS, out of his account No. 3354952525 to the account of Naresh Kumar and on 24.05.2021, he has again transferred a sum of Rs. 1,00,000/- in his account through NEFT. Thus, the complainant, as well as, his father had transferred a total sum of Rs.10,50,000/- to the accounts of the accused persons, whereas the complainant had allegedly paid a sum of Rs.5,50,000/-, in cash, to accused-Ram Chand.

10. Accused Ram Chand and Naresh Kumar were arrested on 18.08.2022, at Police Station Sadar, Shimla. Accused Ram Chand and Naresh were released on bail on 22.08.2022. On 13.12.2022, accused Sapna Baner, was

associated in the investigation in Police Station Sadar Mandi, H.P. She was then enquired by police and her bank details were also scrutinized. It was found that in the bank account of Sapna Baner, the father of the complainant had transferred an amount of Rs.3,50,000/- through RTGS. She was also arrested and was released on bail on 17.12.2022. During investigation, efforts were made to associate accused Rawel Singh (applicant) in this case, but his phone was found to be switched off and he was not found at his residence. His mother was apprised about the fact, upon which she had disclosed that her son has gone out of station and as and when he will come, she will produce him in the Police Station. Thereafter, the applicant has filed the application for his anticipatory bail.

11. The applicant appeared at about 4:50 p.m. before the police with the orders obtained from the Court on 28.12.2022. On 28.12.2022, he was associated in the investigation, but, he has not cooperated with the police, as such, on 29.12.2022, an application for cancellation of his bail was moved. He was directed by the Court to cooperate with the investigation. Thereafter, the application was ordered to



be taken up on 02.01.2023 and thereafter, accused Rawel Singh (applicant) has joined the investigation on 31.12.2022. During investigation he had disclosed that accused Naresh, Ram Chand and Sapna Baner had assured complainant Lucky, Shivam and other persons to get them employment in the Railway and collected money and transferred the amount of Rs. 14,13,000/- in account No. 0634000101225466. He has withdrawn the same from ATM and handed over to Sarwan Singh. He was not having his address, however, he has noted down his address in the diary. He has also assured that he will withdraw the amount and hand over to the police. Since this amount could not be withdrawn from the ATM, as such, he has assured the police to return the amount, after obtaining from the family and relatives. Whenever, it was enquired from the applicant, as how he used to get the documents prepared, then, he remained silent. He has only disclosed that he got prepared the same from one Sarwan Singh. When, he was inquired if he is head of the Training Centre, as his co-accused Naresh Kumar, Ram Chand and Sapna Baner have disclosed that the entire work of Training Centre was looked after by

accused Rawel Singh (applicant), as such, entire amount was put in his account.

12. On 01.01.2023, the applicant has failed to appear before the I.O. When, he was contacted on telephone, he has put forwarded the explanation that he could not withdraw the amount from the bank and assured the police to appear alongwith the money after withdrawing the same from the bank.

13. On 02.01.2023, fresh status report was filed in the Court, upon which, accused Rawel Singh (applicant) requested for adjournment and consequently, his request was considered and case was adjourned for 11.01.2023. Thereafter, the accused has not joined the investigation.

14. On 12.01.2023, status report was submitted in the Court. Thereafter, was case was adjourned for 14.01.2023. on the request of the applicant but he has not joined the investigation and his mobile phone was found to be switched off. Similarly, on 15.01.2023, the applicant neither picked up the phone of the police nor appeared before the I.O. On 16.01.2023, his mobile phone was found to be switched off. In

this regard, the relevant entry was made in the relevant register.

15. Lastly, it has been mentioned in the status report, that accused has not joined the investigation and he is not cooperating with the investigation of the case. Accused has played fraud with the youngmen and he is the main accused.

16. On all these submissions, it has been apprehended that applicnat having the entire information with him and he is resident of Punjab, as such, in case bail is granted to him, he may not be available for trial.

17. On 20.01.2023, on the basis of above facts, the interim protection was given to the applicant, with the direction to join investigation and the matter was adjourned for 24.01.2023.

18. On 24. 01.2023, the police filed the supplementary status report in which, it has been disclosed that on 21.01.2023, the applicant has joined the investigation and during investigation, he has disclosed that complainant Lucky and Shivam were sent for Railway Recruitment Training through Sarwan and he is not having the information as to how much

amount has been taken by accused Ram Chand, Naresh Kumar and Sapna Baner.

19. As per further case of the police, accused Naresh has collected huge amount from Shivam and other persons in the name of getting them recruited in the Railway and after deducting their commission, they had deposited a sum of 14,13,000/- in his account. The said amount was withdrawn, as per the direction of Sarwan Kumar and was deposited in the account of Anu Radha wife of Sarwan Singh and in the account of M. Krishana, Mahesh Bhuian as well as in the accounts of Sapna Baner and Naresh Kumar. He has transferred a sum of Rs.6,53,000/- in the account of above persons and rest of the amount he had spent. The training at Hawrah was imparted to Lokesh and Yogesh, whose real name is M. Krishna. M. Krishan, was the person, who used to prepare the identity cards and forged appointment letters.

20. Since the applicant has joined the investigation in the afternoon on 21.01.2023, as such, the bank details of his account could not be obtained being holiday. It is further case of the police, investigation from M. Krishna and Sarwan

Singh is yet to be made. Accused Rawel Singh (applicant) has not got recovered anything.

21. Reiterating the earlier apprehension qua the fact that the accused is resident of neighboring State and if he is released on, he may not be available for trial.

22. On 24.12.2023, on the basis of above supplementary status report, matter was adjourned for today, with a direction to the I.O. to file fresh supplementary status report.

23. Today, a fresh supplementary status report has been filed, in which the police has disclosed that he used to get forged documents from M. Krishna, through one Sarwan Singh and in lieu of the said documents he used to pay the amount to Sarwan Singh and M. Kirshna. The applicant has given the undertaking to cooperate with the police to get M.Krishna and Sarwan Singh, arrested, in this case and as and when, he will be called for investigation, or directed by the Court, he will comply with the said directions.

24. It is further case of the police, that he is not having any amount in his bank account. The bank details have also been obtained and the said fact was found to be correct.

According to the police, when, the applicant-accused was found the said work as forged one then he return back to his village and given back the amount to the person, from whom, he had received the amount. In pursuance to the directions of this Court, the accused has been arrested and released on bail. As per supplementary status report, following cases have been registered against the applicant:-

1. F.I.R. No.162 of 2012, dated 27.08.2021, under Sections 420, 467, 471, 120B of IPC at Police Station Sujampur, District Pathankot (Punjab); and
2. F.I.R. No. 243 of 2021, dated 5.12.2021, under Section 420, 467, 468, 471, 120B of IPC, at Police Station Sujampur, District Pathankot (Punjab).

25. On the basis of above facts, a prayer has been made to dismiss the bail application.

26. Heard.

27. No doubt, the applicant has committed the default of the directions issued by the learned Additional Sessions, Judge-II, Kangra at Dharamshala, where he was directed to join the investigation but when directions were given to the applicant by this Court to join the investigation, he has complied with those directions.

28. As per status report, which has been filed today, the police could not make out a case for the custodial interrogation. The role allegedly, played by the applicant, in the commission of the offence(s), for which, he has named as accused, will be proved during course of the trial, as, such, no useful purpose would be served by sending him in the custody, as the pre-trial punishment is prohibited under law.

29. The applicant has joined the investigation and given assurance to cooperate with the police to help them for arresting the other accused involved in this case and, as, such, no useful purpose would be served by rejecting the application.

30. Considering all these facts, interim order, dated 20.01.2023, is liable to be confirmed. Consequently, interim order dated 20.01.2023, is made absolute. Therefore, it is ordered that the applicant be released on bail, in the event of his arrest, in case F.I.R. No. 52 of 2022 dated 13.08.2022, registered under Sections 420, 467, 468 read with Section 120B, IPC with Police Station P.S. Rakkar, District Kangra, H.P. on his furnishing personal bond, to the tune of Rs.50,000/-, with One surety of the like amount, to the satisfaction of the Investigating Officer. The bail is granted, subject to the following conditions:-

- (I) *That the applicant will join the investigation of the case as and when called for by the Investigating Officer in accordance with law;*
- (II) *That the applicant will not leave India without prior permission of the Court;*
- (III) *That the applicant will 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/her from disclosing such facts to the Investigating Officer, or Court; and*
- (III) That the applicant shall regularly attend the trial court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application.

31 Any observations, made herein above, shall not be taken as an expression of opinion on merits of the case, as, these observations are confirmed only to the disposal of the present bail application.

32. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions are found to be violated by the applicant.

33. The applicant is directed to move regular bail application, when charge-sheet will be filed in the learned trial Court.

34. The applicant may produce a downloaded copy of the order passed by this Court before the trial Court and the trial Court



shall not insist for the certified copy of the order, rather passing of order can be verified to the official web-page of this Court.

**January 27, 2023**

(ravinder)

**( Virender Singh )  
Vacation Judge**

