

**In the Court of Jaswinder Sheemar, Additional Sessions Judge,
Hoshiarpur. (UID No.PB-0093).**

BA No.1594 of 2024
CNR No:PBHO01005132 of 2024

Manohar Singh *Versus* State of Punjab

**FIR No.65 dated 10.05.2024
Under Sections 406 & 420 of the IPC
Police Station Mukerian, District Hoshiarpur**

First Bail Application Under Section 438 Cr.P.C.

Present: Shri H.S. Saini, Advocate, for bail-applicant
Shri N.S. Gill, Ld. Addl. Public Prosecutor for the State

ORDER:

1. This is a **first** bail application filed on behalf of **bail-applicant** in the above referred FIR case.
2. **Notice** of the bail application was issued to the State through Learned Additional Public Prosecutor of the State, who put in appearance and contested the bail application.
3. Report of Ahlmad has also received, vide which it is reported that there is no other bail application of accused is pending or decided, as per website of Hon'ble High Court.
4. The police record was requisitioned and perused.
5. I have heard the Learned Additional Public Prosecutor for State and the Learned Counsel for **bail-applicant** and have gone through the police record.
6. It is observed that police machinery was set into motion by one **Vishal Jaswal (complainant)** by getting present FIR **registered** against **Manohar Singh (bail applicant)**, for the commission of offences punishable under **Sections 406 and 420 of the IPC**.

7. The **complainant** has levelled allegations that he was acquainted with **bail applicant**, who was teacher in Sovereign School, Manesar. In the month of **March, 2021**, **bail applicant** proclaimed that his relative is in Army and he recruits aspirants in Army. If, **complainant** wishes to get any person recruited in Army, he will get him recruited through his said relative in Army. Therefore, **deal** was struck at the rate of **Rs. 8 Lakh** for the purpose of recruitment of **Vishal (younger brother)** of **complainant**. The **bail applicant** told that his brother **Vishal** has already crossed age limit, but he will get him recruited **as TA** in Army. Therefore, on the assurance of **bail applicant**, **complainant** asked him to get recruited **one more boy**, who was introduced with him at the same rate. In first week of April, 2021, he obtained photocopies of certificates of the **aspirants** and at the instance of **bail applicant**, **complainant** and other **aspirants** had **transferred amount** in the account of **bail applicant** and some **amount** was **handed over to his wife in cash**, who also assured them. When, **bail applicant** has not done anything, in this regard, then, **complainant** demanded money back from **bail applicant**, who started dilly dallying the matter on one pretext or the other and ultimately a **complaint** was moved against him. On **31.01.2023**, **bail applicant** undertook to return an amount of **Rs. 46 Lakh**, but he did not return even a single penny. An another **complaint** was also filed and **bail applicant** agreed to return the amount second time, but of no avail.

8. There are serious allegations levelled by the complainant against the accused, who had obtained hafeety amount to the tune of Rs. 46 Lakh from his relative on the pretext to get them recruited in Army through

his relative in Army. The matter is required to be probed thoroughly. Definitely, by releasing **bail applicant** on **anticipatory bail** would amount to hamper the investigations at the very initial stage, therefore, it is not a fit case, where **bail applicant** can be said to be entitled to **anticipatory bail**. Accordingly, **bail application** filed on behalf of **bail applicant** for **anticipatory bail** stands **dismissed**.

9. The observations made by undersigned vide this Order will have no reflection on merits.

10. File be consigned to record room. However, the copy of this order be placed with the main file.

Pronounced in open Court:
Dated:04.06.2024
'Rajbir Singh JW Gr.I'

(Jaswinder Sheemar),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PB-0093).