

CNR No.PBFZ0100-4827-2021

BA No.605, dated.15.07.2021

CIS No. BA/1470 of 2021

Date of Order: 19.07.2021

(Application under section 438 Cr.P.C.)

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Present: Sh. J.S. Kalra, Adv., counsel for the applicant/accused.

Sh. Rajiv Chaudhary, Additional PP for the State.

Sh. Chetan Sikri, Adv., counsel for the complainant.

O R D E R

1. Heard on the bail application filed by applicant/accused Manmeet Singh Sahni, under Section 438 of Cr.P.C, pertaining to FIR No.193, dated 10.07.2021, under section 420 IPC, Police Station City, Ferozepur, wherein learned Additional PP for the State and learned counsel for the complainant have opposed the same on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the FIR as well as police record shows that the present case has been registered on the complaint of Ajay Kumar and others, who allegedly the victim at the hands of the applicant/accused Manmeet Singh, who demanded a sum of Rs.25,000/-from the number of persons including the complainant party to ensure their job permanently in the contract floated by the Company Hybrid Fleet

Management Private Limited, with the Cantonment Board, which was later on settled for a sum of Rs.12,000/-per person.

3. As per allegations levelled in the FIR, complainant alongwith other 05 persons had given a sum of Rs.72,000/-to the applicant/accused being Manager/Contractor of the aforesaid Company at the Hotel International on the alleged day of occurrence i.e. 30.06.2021. Hence the present FIR has been registered, when neither they have returned their money nor they have given job in the contract being *Safai Karamchari's*.

4. At the very outset, learned counsel for the applicant/accused has stated that he has been falsely implicated in the present case only for the reasons that his name is there in the alleged agreement dated 23.06.2021 entered into between Hybrid Fleet Management Private Limited and Cantonment Board, Ferozepur, whereas, matter of the fact that on the alleged day of occurrence, neither he was present at the alleged place of occurrence, as disclosed by the complainant i.e. Hotel International nor even he was present in the District Ferozepur.

5. He has further stated that even he is ready to give all his mobile numbers to the Investigating Agency to rule out the alleged allegations levelled against him to show that he was not present on the

alleged day of occurrence.

6. Per Contra, Sh. Chetan Sikri, Advocate, counsel for the complainant has placed on record the application moved by number of other workers before the Chief Executive Officer, Cantonment Board, Ferozepur, wherein, similar allegations levelled against the applicant/accused, as such, prayer has been made for dismissal of the present bail application, as, huge fraud has been committed by the applicant/accused, who is Contractor/Manager of the Company.

7. At the same time, learned Additional P.P. for the State on the instructions from Inspector Sukhchain Singh has stated that after last day of hearing, they went to the Hotel International and thereby recorded statement of Aman Vadhawa, Manager of the Hotel International and verified with regard to the presence of the applicant/accused in the hotel. He has stated that though there is no CCTV Footage or any other proof which could at least prove, at this stage, to show the presence of the applicant/accused at the Hotel but at the same time, from 29.06.2021 to 30.06.2021, room was taken on rent by one Parmod Pandey with whom allegedly one more person was there.

8. Be that as it may, he has further stated that not only the

complainant and other 05 persons, who allegedly moved the aforesaid complaint but there are number of other persons, who are coming forward and their statements have been recorded under section 161 Cr.P.C. with the same allegations, vide which the applicant/accused has demanded a sum of Rs.12,000/-to ensure their job as *Safai Karamchari's* in the aforesaid contract, as such, prayer has been made for dismissal of the present bail application.

9. After paying heedful consideration to the rival contentions of the parties vis-a-vis allegations levelled in the FIR, though, there are allegations against the applicant/accused as discussed herein above but neither there is any single evidence on record, at this stage, except oral version given by the complainant party, vide which they have allegedly given a sum of Rs.12,000/- to the applicant/accused nor any document is there to show the presence of the applicant/accused at the alleged Hotel and thereby took a sum of Rs.72,000/-, as alleged in the FIR, in addition to the fact that mobile numbers of the applicant/accused, as suggested by his counsel, be given to the Investigating Agency to further investigate the matter and meanwhile in the event of arrest of applicant/accused in the case in hand, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. The

applicant/accused shall comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand on or before 27.07.2021.

10. Before parting the aforesaid order, it is further clarified that if in future, Investigating Agency has come to the conclusion that the applicant/accused was actively involved in the present case and he was present at Ferozepur or any where, as alleged in the FIR, then they have liberty to move application for cancellation of the present bail application.

11. Now to come up on 27.07.2021 for further proceedings and consideration. Anything said in this order shall not affect the merits of the main trial in any manner.

Pronounced in open Court.
Dated: 19.07.2021

yashpaul

Sd/- (Sachin Sharma)
Additional Sessions Judge,
Ferozepur.
UID No.PB0519