

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18269 of 2015

Date of decision: 31.03.2015

Amandeep Singh and another

-----Petitioner (s)

V/s

State of U.T. Chandigarh

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Vivek Saini, Advocate
for the petitioner(s).

Mr. Sukant Gupta, Additional Public Prosecutor, for
U.T. Chandigarh.

HARI PAL VERMA, J.(Oral)

Prayer in this petition, filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners, in case FIR No. 230, dated 02.05.2013, for the offence punishable under Sections 420 and 120-B IPC, registered at Police Station, Sector-34, Chandigarh.

On 02.07.2013, this Court while recording the contention of the petitioners and granting protection of interim bail to the petitioners, has passed the following order:-

"Sh. Anil Kumar Lamdharia, Additional PP, has appeared on behalf of U.T., Chandigarh and seeks an adjournment.

Counsel for the petitioners has submitted that allegation against the petitioners is that they are charging ₹1,500/- for registration as a consultant for arranging interviews. It is further submitted that the petitioners are a big company and have network of 400 companies with whom interviews are being arranged.

Adjourned to 5.8.2013.

In the meantime, in the event of arrest, the petitioners are ordered to be released on interim bail on furnishing of bail bonds to the satisfaction of SHO/Investigating Officer, on compliance of the conditions envisaged in Section 438 (2) Cr.P.C. and on joining the investigation."

On 05.08.2013, learned counsel for U.T., Chandigarh has pointed out that the case is at the investigation stage, but the petitioners are not co-operating. It was also contended that lease deed etc. was in the name of Future Link Consulting Pvt. Ltd., whereas, the amount has been collected in the name of the other companies. While recording the contention of the prosecution, the petitioners were again directed to join investigation on 19.08.2013 at 10.00 A.M.

On 09.07.2014, the learned Additional Public Prosecutor appearing for Union Territory has informed this Court that the petitioner are not lending full co-operation to the investigation and sought time to file status report.

Accordingly, in compliance of the order dated 09.07.2014, status report dated 30.09.2014 was filed in the Court. It was also pointed out that the petitioners have not joined investigation after 29.08.2013, despite having been called upon. However, learned counsel for the petitioners contradicted the said fact. The petitioners were directed to appear before the Investigating Officer on 28.10.2014 at 10.00 A.M., at Police Station, Sector-34, Chandigarh.

Again on 11.12.2014, this Court directed the learned counsel for U.T. Chandigarh to file the latest status report in this case, as it was submitted that during the pendency of the petition number of complaints have subsequently been submitted and the petitioners were not handing over the entire record pertaining to

the matter. The petitioners were again directed to join investigation before the Investigating Officer on 22.12.2014 at 11.00 A.M., at Police Station, Operation Cell, Sector-36, Chandigarh, and on any other date, as directed by the Investigating Officer.

On the other hand, learned counsel for the petitioners has contended that the petitioners have been fully co-operating with the Investigating Agency and no case under Section 420 and 120-B IPC is made out against them. Learned counsel further contends that the petitioners have not committed any offence as alleged more particularly when no specific role has been attributed to them in commission of the alleged offence. The FIR has been lodged on the basis of some secret information, whereas, no such secret information has ever been received by the police as the same has not been divulged to the petitioners. There is no allegation by any person against the petitioners that they were allured by the petitioners as alleged in the FIR. He further states that the petitioners have already been granted bail by the learned trial Court in FIR No. 655, dated 24.12.2014, registered under Sections 420, 120-B IPC and Section 66-D of the Information Technology Act, 2000, registered at Police Station, Sector-24, Chandigarh.

On the other hand, learned APP for U.T., Chandigarh, while making reference of the status report submits that even during the pendency of the present case, several more complaints have been received against the petitioners after the registration of the present FIR and the FIR No. 655, dated 24.12.2014, for offence under Sections 420, 120-B IPC and Section 66-D of the Information Technology Act, 2000, registered at Police Station, Sector-24, Chandigarh, at the instance of one Ritu Mehra, daughter of Boota Ram, resident of Appra, Tehsil Phillaur, District Jalandhar

(Punjab). In the said FIR, nine other persons have been joined as co-complainants. The petitioners, namely, Amandeep Singh-accused/petitioner, along with one Balwant Singh and Onkar Singh, opened three other placement agencies after the registration of the FIR-in-question and the grant of interim bail by order dated 02.07.2013 passed by this Hon'ble Court. The petitioners were using the same *modus operandi* and have opened more new companies, as detailed in para 3 of the status report, dated 27.02.2015. In this manner, petitioners have misused the concession of interim bail granted to them by order dated 02.07.2013 by opening more companies to mislead and cheat gullible and jobless youth in the similar manner as have been done earlier.

The status report further indicates that the petitioners have rather gone to the extent of hiring of office space for the said companies formulated by them on lease and the landlords of the building have complained to the Investigation agency that the cheques written/issued by the accused-petitioners by way of payment of rent, have been dishonoured by the concerned bank, for which the said landlords intends to initiate the appropriate legal proceedings against the accused.

Learned Addl. Public Prosecutor, has also argued that the petitioners have indulged in white collar crime by cheating unemployed, innocent and gullible youth by promising them job placements and charging them money for the same. They used to arrange fake interviews, while actually not finding them any jobs. It is also argued that as per records taken in custody during investigation, the accused-petitioners had taken money from 1597 students-applicants and charged them about Rs. 1700/- from each

student-applicants on the false and willfully misleading promise of finding them job placements.

In this manner, considering the aforesaid contentions as well as the status report, so furnished by the learned Addl. Public Prosecutor, this Court feels that the petitioners are not entitled to be extended to protection of anticipatory bail, as provided under Section 438 Cr.P.C.

Accordingly, the present petition is dismissed.

However, it is made clear that this order may not be construed to be an expression of any opinion on the merits of the case and present order is only for the purpose of decision of the bail application filed under Section 438 Cr.P.C.

March 31, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**