

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

CRM-M-34295 of 2014
Date of Decision:11.05.2015

Piyush Bharat SainiPetitioner
Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Jasmeet Singh Bedi, Advocate
for the complainant.

SNEH PRASHAR, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.204 dated 16.09.2014 under Sections 406/420 of the Indian Penal Code (for short 'IPC) registered at Police Station Sarabha Nagar, District Ludhiana City.

2. The accusation against the petitioner is that he was running a reputed Education Consultancy under the name and style of M/S Eduwise consultancy at Rajindra Nagar, New Delhi and an amount of Rs. 65 lacs in installments was paid to him by the father of the complainant on his assurance that he will get his son (complainant) admitted in a Post Graduate Medical Course under DNB Programme

conducted by National Board of Education.

3. Heard the Submissions made by Mr. Parveen Chauhan, Advocate representing the petitioner; Ms. Simsi Dhir Malhotra, DAG, Punjab representing the State and Mr. Jasmeet Singh Bedi, Advocate representing the complainant.

3. Learned counsel for the petitioner argued that the allegations contained in the First Information Report are false and imaginative. The dates and the mode in which Rs.65 lacs in installments was paid to the petitioner by father of the complainant was not mentioned. No written agreement was produced on the basis of which it could be alleged that the petitioner had cheated the complainant.

Learned counsel further contended that even if the allegations contained in the First Information Report are taken at its face value, at the most they give rise to a civil liability of recovery of the amount paid to the petitioner and commission of no criminal offence is made out. Hence, learned counsel prayed that the petitioner be given the benefit of anticipatory bail.

4. The prayer is opposed by learned State counsel. On instructions from ASI Charan Singh she submits that 12 other cases of cheating of similar nature are pending against the petitioner .

5. It has been admitted by the petitioner in his petition that he is running an education Consultancy under the name and style M/S Eduwise Consultancy at Rajindra Nagar, New Delhi. Apparently, there

is a serious allegation against the petitioner that he had charged Rs.65 lacs from the father of the complainant giving assurance that he will get the complainant admitted in Post Graduate Course under DNB Programme conducted by National Board of Education for various institutions in India. Prima facie, the promise itself indicates the criminal act/intention on part of the petitioner. Learned counsel for the complainant submitted that out of the amount paid by father of the complainant, only Rs. 15 lacs had been returned by the petitioner and a huge amount of Rs.50 lacs still remains to be recovered. In addition to it, as submitted by learned State counsel, there are 12 other cases of similar nature pending against the petitioner and therefore no ground for grant of anticipatory bail is made out and the petition is hereby dismissed.

May 11, 2015
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(SNEH PRASHAR)
JUDGE