

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

Crl. Misc. No.M-35251 of 2015

Date of Decision: 29.10.2015

Ravinder Kumar

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Rose Gupta, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana
for the respondent-State.

Mr. Arvind Kumar, Advocate
for the complainant.

DAYA CHAUDHARY, J.

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.410 dated 13.09.2014 registered under Sections 420, 406 and 120-B IPC at Police Station Pataudi, District Gurgaon.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case as there are no specific allegations against him in the FIR. The only allegation against the petitioner is with regard to the guarantee given for non-commitment on behalf of accused-Ishwar Garg. The petitioner has no knowledge about the alleged

transaction between the complainant and co-accused Ishwar Garg. The dispute between the parties is of civil nature. The complainant had paid an amount of ₹ 30,00,000/- to co-accused Ishwar Garg for securing admission in Agroha College, Hisar and the petitioner has no concern with the same. The occurrence took place in the month of April-May, 2013 and the present FIR has been registered on 13.09.2014 and no explanation, whatsoever, has been given by the complainant to explain delay in lodging the FIR. Learned counsel also submits that no offence under Section 420 IPC is made out. The petitioner was arrested on 30.08.2015 and since then, he is in custody.

Learned counsel for the petitioner prays for release of the petitioner on regular bail as there is no allegation of conspiracy between the petitioner and co-accused.

Learned counsel for the respondent-State opposes the bail of the petitioner on the ground of specific allegations against him and also the fact that one more case of similar nature is pending against him. Learned counsel also submits that as per police report, a gang of eight-nine persons is there, who grabbed the amount from the people by way of cheating. He further submits that the co-accused Ravinder Kumar and Murari Garg, who were the guarantors of accused-Ishwar Garg are absconding and their arrest warrants have been issued.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR. The FIR, in question, was registered on the basis of complaint made by one Yogesh Chand to the Commissioner of Police, Gurgaon. As per allegations in the FIR, co-accused Ishwar Garg had sent a message to the complainant for assuring admission of his two daughters in Agroha College, Hisar after charging ₹ 15 lacs per child. However, the amount of ₹ 10 lacs was given

in cash and cheque of ₹ 20 lacs was given to co-accused Ishwar Garg, which was later on encashed by him. After accepting the amount from guardians of 20-22 children on the pretext of giving admission, the admission was not granted and the accused persons ran away after cheating the people. Some of the persons, including the present petitioner, were named. Not only the mobile numbers but the e-mail ID's of the accused were also mentioned. Many complaints are stated to be pending against the accused persons including the present petitioner. Some of the accused are still absconding. The allegation of conspiracy is there between the petitioner and co-accused as they have been cheating the persons by giving false assurance of getting admission in the college.

Keeping in view the allegations levelled against the petitioner and seriousness of offence, no ground is made out to grant bail to him at this stage.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the petition, being devoid of any merit, is hereby dismissed.

29.10.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE