

CRM-M-16870-2016

Date of Decision : 31.05.2016

Pawan

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

M.M.S. BEDI, JUDGE (ORAL)

This is second application for grant of pre-arrest bail in case FIR No. 177 dated 16.04.2014 under Sections 406, 420, 467, 468, 471, 506 IPC Police Station Civil Lines, Rohtak registered at the instance of Surya Kant alleging that the petitioner as Director of Balaji Institute Rohtak had received fee from many candidates at the rate of Rs.25,000/- out of Rs.50,000/- per candidate for JBT Course from Jammu Board but on expiry of three years, neither the test was conducted nor the original documents were returned. The institution of the petitioner was also found to be unrecognized.

Learned counsel for the petitioner when confronted with the changed circumstances for filing the second petition, submits that after the dismissal of the earlier application for pre-arrest bail, an inquiry was conducted by Vijay Pal, DSP, Headquarter, Rohtak.

With the assistance of learned counsel for the petitioner and State counsel, I have gone through the inquiry report which appears to have been prepared with an intention to help the petitioner. The said

report does not indicate that the petitioner is innocent or has been found to be not connected with the cheating done *qua* the students. There is no report available regarding the innocence of the petitioner. The report by DSP merely observes that warrants issued against the petitioner, deserves to be cancelled but do not establish the innocence of the petitioner. The changed circumstances referred to by the petitioner is not good enough to warrant the review of the opinion expressed by this Court while dismissing in the first application for pre-arrest bail.

The application is dismissed without prejudice to the right of the petitioner to seek concession of regular bail.

Any observation made is meant only for the adjudication of the present application.

(M.M.S. BEDI)
JUDGE

31.05.2016
Neha