

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

CRM No. M-45614 of 2016 (O&M)

Date of Decision: 22.02.2017

Dalbir Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Kshitija Miital, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of pre-arrest bail in case FIR No.271, dated 11.04.2016, under Sections 120-B/406/420/465/467/468/471/506 IPC, registered at Police Station City Hansi, District Hisar.

FIR in question came to be registered on the complaint of Buglawati and who alleged that she had sought admission in the ANM course being run by an institute under the name of Balaji College of Nursing. The complete fees of the course was Rs.1.10 lacs. Allegations are that even though requisite installments towards fees had been deposited but she had not been permitted to appear in the practical examination and an amount of Rs.1.10 lacs has been misappropriated.

As per version of the complainant, the present petitioner is one of the proprietors of Balaji College of Nursing but the receipt was issued in the name of Prerna School of Nursing.

Learned counsel appearing for the petitioner would submit that it is case of false implication. Earlier in point of time, FIR No.276, dated

22.04.2013 had been registered at Police Station Sirsa City by one Mewapati and in which identical allegations have been raised pertaining to Prerna School of Nursing, Sirsa. As per statement of Mawapati complainant, in FIR No.276 dated 22.04.2013, the present petitioner was assigned the role of a Tuition Teacher and not to be a proprietor of such school of nursing.

Even learned State counsel who is on instructions from ASI Mahender Singh submits that investigation has revealed that the present petitioner is running Balaji Coaching Centre and which is neither recognized nor conducts an ANM Course and in which the complainant Buglawati had allegedly taken admission.

Concededly, the present petitioner has already granted concession of pre-arrest bail pertaining to FIR No.276 dated 22.04.2013 in which there were similar allegations.

While issuing notice of motion in the instant petition, the following order was passed by this Court on 21.12.2016:

“Petitioner apprehends arrest in a case registered at the instance of Buglawati, alleging that the petitioner in the capacity as Proprietor of Balaji College of Nursing, had made admissions and cheated the complainant and other similarly circumstanced students as admissions have been made without recognition of the nursing school and that unreasonable amount of Rs.50,000/- had been demanded before the examination and the complainant was not permitted to take the examination.

Counsel for the petitioner submits that on the basis of similar allegations earlier raised vide FIR No.276 of 2013, registered at the instance of Mewapati at Police Station, City, Sirsa, the petitioner after arrest has been granted the concession of bail and complainant of this case Buglawati had

made statement under Section 161 Cr.P.C. Now another application under Section 156 (3) Cr.P.C., has been filed by same Buglawati, raising similar allegations on the basis of which the petitioner has been involved in the present case.

Notice to the Advocate General, Haryana, for 22.2.2017.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 7.1.2017 and 21.1.2017. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.”

It has been conceded that the petitioner has since joined investigation.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 21.12.2016 passed by this Court is made absolute.

Disposed of.

22.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |