

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

CRM-M No. 6009 of 2017 (O & M)
Date of Decision: 25.7.2017

Sumit Arya

.....**Petitioner**

v.

State of Haryana

.....**Respondent**

CORAM HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN

Present:- Mr. Y.S. Rathore, Advocate, for the petitioner
Ms. Neelam Kashyap, DAG, Haryana
Mr. Ashok Aggarwal, Senior Advocate with
Mr. Harsh Kinra, Advocate, for the complainant

SHEKHER DHAWAN, J.

The present petition under Section 438 Cr.P.C. is for grant of pre arrest bail of the petitioner in FIR No.496 dated 26.7.2016 under Sections 408 and 420 IPC, registered at Police Station Surajkund, District Faridabad.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case whereas, he has no role in collection of money and as such, there was no question of any misappropriation for not accounting of money received from any student at any stage. The other members of the team were collecting the money and they are responsible to account for the payment. The petitioner has already joined the investigation and therefore, he be released on bail.

Learned State counsel as well as learned counsel for the complainant contended that the petitioner was working as Assistant

Professor and Manager, Marketing, who was looking after the process of admission to different courses and in that process, he had received huge money from different students, which he had not accounted for. Internal enquiry was conducted for the purpose, wherein, students had made statements that payment was actually made to the present petitioner. Photocopies of receipts, which were duly signed by the present petitioner, are also on the file. Copy of confessional statement of the petitioner, is also on the record that a sum of Rs. 25 lakhs were collected by him, which was made during the internal enquiry proceedings, though the allegations are much beyond that. There is no ground for release of the petitioner on pre arrest bail as interest of students community at large are involved and the entire system has been taken to clench.

Having considered the submissions made by learned counsel for the parties and all these facts that the petitioner was duly associated in the enquiry proceedings and the copies of receipts are available on the file showing that payments were actually received by the petitioner, which were not accounted for by him and the entire matter needs to be probed and investigated and further custodial interrogation of the petitioner would be necessary for the said purpose.

No ground is made out for release of the petitioner on pre arrest bail. Present petition for pre arrest bail stands dismissed.

(SHEKHER DHAWAN)
JUDGE

25.7.2017
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No