

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6971 of 2017 (O&M)

Date of Decision: 30.03.2017

Sumit Gupta

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.492 dated 17.6.2015 under sections 406, 420 I.P.C read with section 120-B I.P.C, registered at Police Station, Civil Lines, Gurgaon.

Learned counsel for the parties have been heard.

FIR came to be registered on the complaint of Dr. Rajveer, who claimed himself to be a renowned Ultrasonologist. Even his wife Dr. Sumitra along with the complainant was stated to be running a Diagnostic Centre.

Allegations in a nutshell are with regard to the complainant having been duped of a sum of Rs.43 lacs approximately on the pretext of getting admission to the son of the complainant in the MBBS Course in D.Y. Patil Medical College, Mumbai.

Counsel would submit that even as per version of the complainant he had initially got in touch with one Vipul Goyal and who in turn had induced the complainant as regards facilitating admission to his son in the MBBS Course under the Management Quota. The name of the

present petitioner figures in the chain of events on the strength of being known to Vipul Goyal. Allegations are that initially the complainant had transferred Rs.3 lacs as advance in the bank account of Vipul Goyal. Thereupon, Vipul Goyal introduced the complainant to the present petitioner and who in turn introduced the complainant to Birender @ Bipin. Allegations are that a sum of Rs.20 lacs in cash was entrusted to Birender @ Bipin and who in the shape of security had furnished blank cheque to the complainant signed by Nilesh.

Prima facie, the complainant's version does not reflect any inducement by the present petitioner as regards securing admission of the son of the complainant to the medical college nor is there any specific entrustment of money to him.

Petitioner has faced incarceration since 26.4.2016.

Co-accused Vipul Goyal and Birender @ Bipin to whom there has been entrustment of money, are still on the run. Challan was presented qua the present petitioner and Nilesh. Nilesh, however, has already been granted the benefit of bail.

In view of the role attributed to the present petitioner contained in the FIR and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Gurgaon.

It is, however, made clear that the observations made in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.03.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No