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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1601/2017**

**NEERAJ KUMAR**

..... Petitioner

Through: **Mr.Ravi Ranjan, Advocate**

versus

**STATE OF NCT OF DELHI**

..... Respondent

Through: **Ms.Kusum Dhalla, APP for the State  
with SI Vikrant, PS Seema Puri**

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

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**17.08.2017**

**CRL. M.A.13170/2017**

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

**BAIL APPLN. 1601/2017**

1. By way of this application filed under Section 439 Cr.P.C. the petitioner Neeraj Kumar is seeking regular bail in FIR No.237/2017 under Section 420/34 IPC, PS Seemapuri, Delhi.
2. Notice. Learned APP as above accepts notice on behalf of the State.
3. Status report has been filed and copy of the same has been supplied to learned counsel for the petitioner.
4. Heard.
5. Learned counsel for the petitioner submits that there is a delay in registration of FIR which has been registered on 12<sup>th</sup> April, 2017 after a

period of more than one year. Before arresting the petitioner in this case prior notice under Section 41A Cr.P.C. was not served upon him. The petitioner is in custody since 9<sup>th</sup> May, 2017. No recovery has been affected from the petitioner who is a handicapped person. He was running a coaching institute and the office was sold by him much prior to the alleged transactions.

6. Learned counsel for the petitioner has also relied upon the decision of the Hon'ble Supreme Court in *Sanjay Chandra vs. CBI* (2012) 1 SCC 40 and prayed that he may be released on bail.

7. Learned APP for the State submits that the petitioner along with the co-accused Raghuraj Singh took ₹45 lakh from the complainant to ensure admission of his son in MBBS. Initially admission was assured in Christian Medical College, Ludhiana. Then they assured to get the son of the complainant admitted in Christian Medical College, Vellore under the quota of sponsorship. All the transactions and discussions in respect of the admission as well payment of money to secure admission in Medical College for the son of the complainant was in the presence of the petitioner and the co-accused and the money has been paid to them.

8. Learned APP for the State has submitted that even the documents like receipt of fee and identity card allegedly issued by Christian Medical College, Vellore were handed over to the complainant. But when the complainant sent the photocopy of the receipt of fee and identity card to the college authorities for confirmation they received information from the college that no such admission has been done and the documents were fake.

9. At the stage of consideration of release of the petitioner on bail, the effect of delay in registration of FIR or irregularity, if any, in arrest is not to

be considered. Even as per the complaint which formed basis of registration of FIR No.237/2017 the petitioner is alleged to have been actively participating in the discussions and also at the time when payment was made by the complainant to secure admission of his son in the medical college. Even the tickets from Delhi to Chennai by Rajdhani Express were allegedly booked by the petitioner Neeraj Kumar. As per the complaint the petitioner along with the complainant and Raghuraj Singh reached Chennai on 21<sup>st</sup> April, 2016 and stayed there. It is also mentioned in the complaint that on 22<sup>nd</sup> April, 2016 Raghuraj along with the complainant visited the college where one Suman Singh got the necessary documentation done and handed over the same to the complainant.

10. Learned counsel for the petitioner seeks bail by placing reliance on the decision of the Hon'ble Supreme Court in *Sanjay Chandra's* case (supra).

11. No doubt the Apex Court in *Sanjay Chandra's* case (supra) revisited the basic principles of law with regard to the grant of bail, but there is a fundamental difference between the facts of two sets of cases i.e. *Sanjay Chandra's* case (supra) and the facts of the instant case. In the case cited by the learned counsel for the petitioner no member of the general public was affected directly. It was in fact a case of causing loss to the public exchequer by not holding the auction of Government resources. This is totally different from the facts of the instant case wherein the petitioner along with his co-accused allegedly cheated the complainant for ₹45 lakh on the pretext of securing a seat for his son, initially at Christian Medical College, Ludhiana under the NRI quota and subsequently at Christian Medical College, Vellore under sponsorship quota. This kind of activity can only be

executed after lot of deliberation in a planned manner, with lot of preparation and with a cool mind by such persons who wish to get richer overnight at the cost of such persons who try to secure admission for their children in prestigious courses at all costs.

12. Such type of tendency to get richer overnight at the cost of general public needs to be curbed by denying the benefit of bail to persons like the petitioner.

13. In view of the nature of allegations against the petitioner, his role in the commission of the alleged offence, I do not find it to be a fit case to enlarge the petitioner on bail.

14. The application is dismissed.

**PRATIBHA RANI, J.**

**AUGUST 17, 2017**  
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