

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

**CRM-M-11730-2019
Date of decision: 14.03.2019**

Gaurav Monga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0859 dated 01.12.2018, registered under Sections 419, 420, 467, 468, 471 and 120-B of the IPC at Police Station Gurgaon Sadar, District Gurugram.

As per the allegations in the FIR, which was registered at the instance of one Bhagat Thakran, it is stated that Ashok Kumar Monga (father of the petitioner), his son Gaurav Monga (petitioner), daughter Usha Monga and Raj Kumar have committed cheating with the complainant by approaching him for obtaining a loan of Rs. 1.15 crore and when the loan was paid to accused Ashok Kumar Monga, he issued two cheques dated 10.10.2017 for Rs. 35 Lakh and Rs. 30 Lakh and one cheque dated 10.10.2017 for Rs. 50 Lakh was issued by Usha Monga, for the purpose of repaying the aforesaid loan, however, on presentation of the said cheques before the bank, the same were dishonoured.

Learned counsel for the petitioner submits that at the first instance, a legal notice was issued in the name of the father of the petitioner

alleging all the allegations against him and on coming to know the same, the father of the petitioner gave two complaints (Annexures P-2 and P-3) stating that a fraud has been committed with him and he has never taken any loan from the complainant.

Learned counsel for the petitioner further submits that thereafter, the father of the petitioner filed a petition bearing **CRM-M No. 61672 of 2018**, which was disposed on 20.12.2018 without issuing notice to the respondents and a direction was issued to respondent No. 2 to decide his representation, however, no action has been taken therein.

After hearing learned counsel for the petitioner at length, I do not find any merit in the present petition for the following reasons:

(a) A perusal of the order dated 26.02.2019 passed by the Additional Sessions Judge, Gurugram shows that during initial investigation, it has come that it is the petitioner who has produced some other person who impersonated himself as his father Ashok Kumar Monga before the complainant and has managed to take the loan by putting the complainant under the belief that said Ashok Kumar Monga was the owner of the plot. As per reply of the police, submitted before the Additional Sessions Judge, it is stated that no evidence has come against the father of the petitioner who was granted concession of anticipatory bail, however, in the inquiry conducted by the police, it was further found that Ashok Kumar Monga has filed a civil suit titled as **Ashok Kumar Monga vs. General Public and Gaurav Monga** seeking declaration that General Power of Attorney dated 14.03.2013 was never executed by him in favour of petitioner Gaurav Monga and has further sought injunction to restrain the

petitioner from alienating his property, however, the said civil suit was dismissed.

(b) It has also come during investigation that photograph of the father of the petitioner available on the ration card does not match with the ID available with the bank in which account was opened in his name and even he has filed a complaint before the Human Rights Commission against his son i.e. petitioner and the other accused persons in this regard which shows that petitioner has even fabricated record while opening fake bank account in the name of his father.

(c) It has come in the preliminary investigation that it is the petitioner who is the master mind of the entire episode, which has resulted into registration of the present FIR and he has not only played fraud with the complainant but has also cheated his father by producing a person to impersonate his father.

In view of the above, considering the fact that there are serious allegations against the petitioner, the present petition praying for anticipatory bail is hereby dismissed.

March 14, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No