

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

109

CRM-M-50067-2019(O&M)

Date of decision : 26.11.2019

MADAN YADAV AND ANOTHER

.....Petitioners

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. F.S.Virk, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Petitioners pray for grant of pre-arrest bail in a criminal case arising out from FIR No.274, dated 11.10.2019, registered under Sections 406/420/120-B IPC, at Police Station Civil Lines, District Patiala.

Gist of the allegations of the prosecution are noted by the learned Additional Sessions Judge while dismissing pre-arrest bail application in paragraphs 2 and 3, which are extracted as under:-

2. Applicants-accused have been booked in the present FIR on the basis of an application moved by Gupinder Kaur wife of Paramjit Singh, Proprietor M/s Patiala Libas Boutique Moti Bagh near NIS, Patiala against applicants-accused, alleging therein fraud by applicants-accused, with the averments that earlier complainant had moved an application dated 15.3.2019 in the office of SSP, Patiala regarding which compromise was entered into between complainant and accused at Police Post, New Officer Colony, PS Civil Lines, Patiala. In the said compromise accused no.1 Madan Yadav had sought time till 1.5.2019 for making payment of Rs.9,38,750/- to the complainant alongwith training certificates of 400 trainees, who had been imparted training in terms of agreement with applicants-accused. However, when complainant contacted the accused, all the accused again came to Police Station Civil Lines, Patiala and entered into another agreement dated 5.5.2019 undertaking thereby to give cheques of Rs.75,000/- each to complainant and Mandeep Kaur in the month of June, 2019 and to issue the certificates of 400 trainees. The accused also undertook to make payment of remaining amounts every month or to give its

status report. However, despite the said undertaking of accused, no such payment has been received by the complainant. Rather, the accused have now started threatening the complainant with dire consequences in case the complainant makes any further demand of payment and certificates of 400 trainees.

3. The application was marked for enquiry. In the report submitted by DSP, City-I, Patiala, it has been revealed that accused Madan Yadav, Sohith Sharma and Vineet Bindal, were working in association with Bihang Welfare Association and have to pay Rs.11,07,000/- to Gupinder Kaur. Out of the said amount, they have paid Rs.3,50,000/- to Gupinder Kaur. Regarding remaining amount, Madan Yadav and Sohith Sharma have filed a case against Bihang Welfare Association, in the Court at Chandigarh, for Rs.25 lacs. It was further reported that under the Corporate Social Responsibility, a scheme was formulated under which the accused had represented that the company being run by them would arrange four months stitching course for the girls, for a fee of Rs.690/- per child and that at the end of four months, the company would pay Rs.2500/- to each trainee girl and hand over the training certificates. Upon the said representation made by the 3 accused, complainant had collected 400 girls for the course and had handed over fee of Rs.4,26,000/- alongwith admission forms of the girls, to the accused. However, despite the fact that the said training was held for four months and fee was paid to the applicants-accused, neither the certificates nor sum of Rs.2500/- to be paid to each trainee, has been paid, pursuant to which the instant FIR came to be registered against applicants-accused.

400 unemployed girls, who had taken training under skill management have been deprived of their certificates even after they have spent 4 months. The allegations against the petitioners are grave and serious. Therefore, no ground is made out to grant concession of pre-arrest bail.

Dismissed.

November 26, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No