

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

CRM-M-9532-2020

Date of decision: August 19, 2020

Manmohan Singh and another	Versus	Petitioners
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P.S. Deol, Senior Advocate with
 Mr. H.S. Deol, Advocate
 for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. J.S. Bedi, Senior, Advocate with
Mr. Sompreet Singh Brar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.421 dated 18.10.2019 under Sections 420, 406, 120-B IPC, registered at Police Station City, Barnala.

Counsel for the petitioners submits that the FIR has been registered at the instance of 10 parents of the students of the Sacred Heart Convent School, Barnala against the principal of the school for cheating them by alluring to part away Rs.1,25,000/- per student in two installments for arranging a trip to USA (NASA). It is stated in the complaint that Principal Lyra Lasrado assured parents that considering her acquaintance

with the petitioners and US Embassy, the students will get 100% visa as the petitioners were running a company named Starico Private Limited, Delhi and they will arrange the same. It is further stated in the complaint that in the first installment, an amount of Rs.75,000/- per student was paid to the company of the petitioners, in November, 2018 and the second installment was paid in June, 2019. In the first batch 34 students and 05 teachers appeared for interview at US Embassy on 18.6.2019 and the visa to all of them was refused. In the second batch of 35 students and 04 teachers, who appeared for interview on 4.5.2019, where applications of 30 students and of 04 teachers were rejected and only 04 students were granted visa for 03 months. When the parents demanded refund of the amount, the petitioners stated that as per the cancellation policy, the entire amount cannot be refunded.

Counsel for the petitioners submits that before registration of the FIR, an enquiry was conducted by the Deputy Superintendent of Police, Barnala, wherein it was found that from 69 students, the petitioners have collected a total sum of Rs.1,03,50,000/- through cheques and an amount of Rs. 03 lacs was collected in cash from two teachers. As per the agreement, Rs.25,000/- per student was taken as registration charges. It is further observed in the enquiry of the Deputy Superintendent of Police, Barnala that the petitioners have paid an amount of Rs.25,000/- each to 64 students only and the balance amount of Rs.67.75 Lacs has been misappropriated by the petitioners by committing cheating with the school management as well as

the parents of the students, who are victims. Counsel for the petitioners further submits that the petitioners are still ready to pay the balance amount of Rs.67.75 lacs after deducing the amount of Rs.25,000/- per student as per the agreement between them.

Counsel for the petitioners further submits that in terms of the interim directions, the petitioners have stated that they are ready to arrange the money and ready to refund the same to the parents of the children.

In reply, the learned State counsel, assisted by the learned senior counsel for the complainant, has, however, opposed the prayer on the ground that the allegation of making the payment pertains to June, 2018 and August, 2019 and till date, the amount has not been refunded back and the petitioners are intentionally not making the payment. Counsel for the petitioners further submits that in terms of the order on 4.3.2020, the petitioners have sought time to arrange the money and their arrest was stayed. On two more occasions, time was extended but till date despite a lapse of about 05 months, no efforts are made to refund the amount, which clearly shows the intention of the petitioners to cheat the complainants.

Learned State counsel has further submitted that another FIR No. 244 was registered against the present petitioner though in that case, he was granted the interim relief, which show that the petitioners are habitual persons and in the instant case, no amount has been refunded and there is no intention of the petitioners to refund the same.

After hearing learned counsel for the parties and considering the fact that approximately an amount of Rs.67.75 lacs has been misappropriated by the petitioners and as per the agreement of the cancellation policy, the petitioners could retain Rs.25,000/- per student, which being registration fee was non-refundable. Therefore, by adjusting the said amount, still an amount of Rs.67.75 lacs has been misappropriated by the petitioners.

As per the enquiry report dated 12.10.2019 submitted by the Deputy Superintendent of Police, Barnala, it was found that the petitioners have misappropriated Rs.67.75 lacs and instead of refunding the amount, gaining time by making one excuse or the other, which shows their intention and in case the amount was refunded, there was no occasion to register the FIR.

Accordingly, I find no ground to grant the anticipatory bail to the petitioners. The custodial interrogation of the petitioners is required. The interim directions dated 4.3.2020 stands vacated and the present petition stands dismissed.

August 19, 2020
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No