

In virtual Court

CRM-M-27461-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27461-2020 (O&M)
Date of decision: 11.09.2020

Gaurav Monga

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of anticipatory bail in FIR No.0859 dated 01.12.2018 under Sections 419, 420, 467, 468, 471, 120-B IPC, registered at Police Station Gurgaon Sadar, District Gurugram; earlier one was dismissed vide order dated 14.03.2019 passed in CRM-M-11730-2019. The order is reproduced as under: -

“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.”

Learned counsel for the petitioner submits that new ground for filing this second petition is that subsequently in an inquiry, father of the petitioner namely Ashok Kumar Monga has been exonerated, however, the police is proceeding against the petitioner.

Notice of motion.

On asking of the Court, Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the respondent-State and has opposed the prayer for bail on the ground that there are direct and serious allegations against the petitioner and there is no change in the circumstances. It is submitted that the FIR pertains to the year 2018 and despite a lapse of one and half year, the petitioner has not surrendered before the Court/police and is not allowing the investigation to be completed.

After hearing learned counsel for the parties and considering the fact that the petitioner is evading his arrest for one and half year and is filing the

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repeated petitions and has even filed this second petition on same grounds, I find no ground to grant anticipatory bail to the petitioner, as version of the police even after the inquiry is same.

Accordingly, the present petition is dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

11.09.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No