

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

**CRM-M-33450-2020
Date of decision: 21.12.2020**

Amit Saxena

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Radhika Suri, Sr. Advocate with
Mr. Dhruv Mittal, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 269 dated 17.06.2017, registered under Sections 420 and 406 of the IPC at Police Station Sadar Rohtak, District Rohtak.

The operative part of the order dated 16.10.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned senior counsel for the petitioner submits that allegations in the FIR are that three students have paid Rs.2.00 lacs each to the petitioner for providing education to them for Class 9th and 10th, for which CBSE approval was required. It is further stated that the petitioner is running Shri Ram Global School, which is run by a Society and despite best efforts, the petitioner could not obtain the permission from CBSE, therefore, the students were given education in another school from where they passed Class 9th and 10th. It is submitted that without prejudice to his right of defence, the petitioner is ready to return the amount of Rs.2.00 lacs each to all three students subject to final outcome of the case.

Learned senior counsel for the petitioner further submits that in fact, there was no intention on the part of the petitioner not to get the approval of CBSE, as in order to expand the education imparted in his Shri Ram Global School, the petitioner was trying to get the sanction, so as

to admit more students.

Notice of motion.

On asking of the Court, Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the respondent-State and has not disputed the factual position, however, submits that FIR pertains to the year 2017 and the petitioner is delaying the payment.

List again on 21.12.2020.

Be whatsoever, considering the fact that the petitioner has given an undertaking to hand over three demand drafts of Rs.2.00 lacs each favouring three students namely Sarthak, Aman Dalal and Siddharth Kundu, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:- 1. He shall make himself available for interrogation by a police officer as and when required; 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. He shall not leave India without previous permission of the Court.

The petitioner is further directed to hand over three demand drafts of Rs.2.00 lacs each favouring three students namely Sarthak, Aman Dalal, Siddharth Kundu to the Investigating Officer within a period of four weeks from today, which will be further handed over to aforesaid three students.”

Learned senior counsel has placed on record photocopy of the three demand drafts in compliance with order dated 16.10.2020 and submits that the same have already been handed over to Investigating Officer.

Learned State counsel submits that aforesaid demand drafts have already been handed over to the respective father of three students, namely Sarthak, Aman Dalal and Sidharth Kundu.

Learned State counsel further submits that though the petitioner has joined investigation, however, he is still required for further investigation.

In view of the above, without making any comment on the merits of the case, the present petition is allowed and the interim bail

granted to the petitioner, vide order dated 16.10.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing a written notice in this regard.

21.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No