

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28562-2021 (O&M)
Date of Decision:-18.8.2021

Upendera Kumar alias Manish and another	... Petitioners
Versus	
State of Haryana and another	... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Sidher, Advocate for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Virender Singh.

Mr. Navmohit Singh, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek grant of anticipatory bail in a case registered vide FIR No.164 dated 29.3.2021 at Police Station HTM, Hisar, District Hisar, Haryana under Sections 406, 420 and 120-B of Indian Penal Code.
2. The FIR in question was lodged at the instance of Om Parkash, wherein it is alleged that he alongwith his friend Ishwar Singh had visited Dr. Duli Chand in Dehradun and that he met Dinesh Kumar at his residence and while he was talking about his daughter's admission in MBBS, said Dinesh Kumar represented that Upendera and his wife are his tenants, who deal in getting students admitted in MBBS. Said Dinesh Kumar is alleged to have taken the

complainant to Upendera Kumar and his wife Anamika Rani @ Suman, who demanded an amount of ₹34 lakhs for admission of complainant's daughter in Shri Guru Ram Rai Institute of Medical & Health College of Nursing, Dehradun. It is alleged that thereafter the complainant paid an amount of ₹10 lakhs to Upendera Kumar in February 2016 and also handed over the documents of his daughter. Subsequently, the petitioner alleges that he had paid another amount of ₹19 lakhs; an amount of ₹2 lakhs and an amount of ₹3 lakhs to Upendera Kumar and his wife Anamika Rani @ Suman through his friend Dr. Duli Chand and that, in this manner, a total of ₹34 lakhs was given to him. It is alleged that although the accused sent admission form of the college through registered post, but despite taking the said amount, they did not get his daughter admitted in the college. Later when the complainant demanded back his amount, they kept on dilly dallying the matter. Subsequently, an amount of ₹4 lakhs was returned to him on different dates. Thereafter, the accused also handed over post dated cheques. However, the said cheques, which are stated to be for an amount of ₹34 lakhs, were dishonoured upon their presentation.

3. Learned counsel for the petitioners has submitted that a false case has been registered against the petitioners and that there is no evidence worth credence that the aforesaid amount of ₹34 lakhs had been handed over and that no part of the amount is stated to have been paid by cheque or draft and the entire amount is stated to have been paid by cash, which raised a serious doubt as regards the veracity of allegations levelled by the complainant.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that during the course of investigation, it has

been affirmed that the petitioners had sent the prospectus/admission form of the college through registered post to the complainant, which would necessarily indicate that there was some kind of understanding amongst them. Learned State counsel has further submitted that since no valid explanation whatsoever is forthcoming as to why the accused issued the cheques in question for an amount of ₹34 lakhs, which were dishonoured, the complicity of the petitioners is clearly evident.

5. Learned counsel for the complainant has further submitted that infact he also has audio recordings in respect of the telephonic conversations, which had taken place between the complainant and the accused, which indicate that he had taken the aforesaid amount from the complainant.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the nature of allegations and the fact that the allegations are somewhat substantiated from the fact that the accused had sent the prospectus through registered post and subsequently upon a dispute having arisen, had also issued cheques worth ₹34 lakhs, which came to be dishonoured, this Court does not find any special case for grant of anticipatory bail. The petition, as such, is dismissed.
8. It is, however, directed that the Investigating Agency shall also look into the assertion of the complainant regarding the alleged audio recordings pertaining to the telephonic conversations between the petitioners and the complainant.

18.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No