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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 41026 of 2019 (O&M)

Date of decision: 02.08.2021

Randeep Ghosal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Nitin Rathee, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.300 dated 25.05.2019 registered under Sections 406 420 IPC at Police Station DLF, District Gurugram.

As per the allegations in the FIR, registered at the instance of the complainant, the Company Uni Assist Edutech Pvt. Ltd., Unit No.130-104, through the petitioner and other accused has cheated the complainant of huge amount of Rs.3.65 lacs for sending him abroad. It is worth noticing that this petition is pending since 2019 and while issuing notice of motion on 24.09.2019, the petitioner had offered to repay the amount to the complainant. Thereafter, the case was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of some amicable settlement.

Later on, the petitioner handed over a demand draft of Rs.1.50 lacs to the complainant on 14.02.2020, however, the

CASE HEARD THROUGH VIDEO CONFERENCING

complainant later, found that the same has been prepared against wrong name and it was returned back to counsel for the petitioner and till then, no amount is repaid.

Counsel for the State has argued that the petitioner has not joined the investigation and he is involved in as many as 15 other FIRs in which he is evading the arrest.

After hearing the counsel for the parties and considering the fact that notice of motion was issued on a condition that the petitioner has offered to repay the amount to the complainant and later on, he has volunteered to hand over a demand draft of Rs.1.50 lacs, which was in the name of a wrong person, this demonstrates that the petitioner never intended to return back the amount. A period of about 2½ years has lapsed since when the petitioner is enjoying the interim stay of arrest and has never opted to join the investigation in terms of the order passed by this Court, therefore, considering the conduct of the petitioner and also in view of the fact that the petitioner is misusing the concession of bail, this petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

02.08.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No