

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106)

CRM-M-54234-2021

Date of decision: - 23.12.2021

Ravi Rathee

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Dushyant Rana, Advocate,
for the petitioner.

Mr. Parveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory/pre-arrest bail to the petitioner in FIR No.623 dated 10.11.2021, registered under Section 420 of IPC, at Police Station Model Town, Rewari, District Rewari.

Learned counsel for the petitioner has submitted that as per the FIR, an amount of Rs.12,000/- was paid by complainant Satish Kumar for taking admission at Paramount Coaching Centre and has referred to the partnership deed dated 01.01.2020 (Annexure P-2). Learned counsel for the petitioner further submitted that as per the franchisee agreement dated 01.02.2019 (Annexure P-3), the said franchisee has given to M/s

AVS Campus, which is running the coaching centre and has further submitted that the partnership deed dated 01.01.2020, initially constituted of four persons and the petitioner was never a partner in the same and in fact he is only an employee. It is further submitted that at any rate, only an amount of Rs.4,000/- was paid by the complainant to the said coaching centre and not Rs.12,000/-. It is further submitted that at any rate the present case is a case having civil tappings and in fact, the complainant had attended some classes in the said coaching centre and thereafter, on account of Covid-19, the coaching centre had suspended its classes. It is also submitted that the petitioner is not involved in any other case and his custodial interrogation is not required as the entire case is based on the documentary evidence.

Notice of motion.

On advance notice, Mr. Parveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and is fully prepared in the matter to assist the Court. He has opposed the anticipatory bail application by stating that as per the allegations, a total sum of Rs.12,000/- had been paid by the complainant and the said amount has not been recovered till date, which is to be recovered from the petitioner.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that as per the partnership deed dated 01.01.2020, the petitioner is not a partner in the firm, which is running the coaching centre and it is a matter of dispute as to whether an amount of Rs.12,000/- or an amount of Rs.4,000/- was paid by the complainant for taking

admission and as to how many classes the complainant had attended in the said coaching centre and also the fact that the entire case is based on documentary evidence and the petitioner is stated to be only an employee in the said coaching centre and is not involved in any other case and the custodial interrogation is not required, this Court deems it appropriate that the present petition deserves to be allowed.

Accordingly, the present petition is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

December 23, 2021
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No