

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

(I)

CRM-M-6782-2022 (O&M)

Date of Decision:- 01.8.2022

Lovish Mahajan

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-28854-2022 (O&M)

Pooja Mahajan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.Anil Kumar Sharma, Advocate, for the petitioner
in CRM-M-6782-2022.

Mr. Rahul Bhargava, Advocate, for the petitioner
in CRM-M-28854-2022.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab,
assisted by ASI Gurbhej Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions arising out of FIR No.13 dated 21.1.2022, Police Station Ranjit Avenue, Amritsar City, District Amritsar under Sections 420, 120-B of Indian Penal Code and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014. While petitioner-Lovish Mahajan seeks

grant of anticipatory bail, petitioner-Pooja Mahajan seeks grant of regular bail.

2. At the time of issuance of notice of motion in CRM-M-6782-2022 the following order was passed on 18.2.2022 wherein facts have been duly noticed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.13 dated 21.1.2022, Police Station Ranjit Avenue, Amritsar City, District Amritsar under Sections 420, 120-B of Indian Penal Code and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014.

The FIR was lodged at the instance of Wilson Warris, wherein it is alleged that he had received a telephonic call from one Poonam and that she represented to the complainant that in case the complainant wanted to send his son abroad, the same could be arranged. The complainant, being taken in by the said representation, agreed for the same and initially transferred an amount of Rs.6260/- in the bank account of ‘M/s I Abroad Education & Immigration Services Private Limited’. Subsequently another amount of Rs.4,99,500/- was transferred in the bank account of aforesaid company towards college fee. Later complainant got the medical examination of his son, which costed him Rs.7,000/-. Subsequently, the complainant was asked to pay an amount of Rs.22,900/- on 8.6.2020, which he paid towards Lawyer Fee and Embassy Fee. However, the Visa application submitted on behalf of complainant’s son was rejected in January 2021. When the complainant asked for refund of the said amount from Pooja Mahajan, who alongwith her husband Lovish Mahajan (petitioner) is stated to be owner of ‘M/s I Abroad Education & Immigration Services Private Limited’, the matter was put

off one ground or another. Subsequently, the complainant received a telephonic call from one Sweta Madam on 22.6.2021 asking him to collect a cheque for an amount of Rs.4,99,500/-, which he accordingly collected, but later on he was told not to present the said cheque.

Learned counsel for the petitioner submits that the petitioner is not the owner or Director of 'M/s I Abroad Education & Immigration Services Private Limited' and was merely working in the said company as Media Anchor. Learned counsel has referred to the company master data retrieved from official website of Registrar of Companies, which is annexed as Annexure P-2, which indicates that previously it was Vivek Saini and Gogi Mehra, who were the Directors of 'M/s I Abroad Education & Immigration Services Private Limited' in the year 2017 and that subsequently it is Vivek Saini and Pooja Mahajan, who have been the Directors of said company.

Learned counsel for the petitioner has further submitted that infact services of the petitioner were later on terminated vide termination letter dated 15.12.2020 (Annexure P-4). It has been submitted that the relations between petitioner and his wife Pooja Mahajan also became strained, when the petitioner came to know that one FIR had been registered against Pooja Mahajan in the year 2016. Learned counsel submits that Pooja Mahajan has infact filed a complaint with the police against the petitioner i.e. complaint dated 18.12.2020 (Annexure P-5) levelling various kinds of allegations against him. It has also been submitted that the petitioner has also filed a petition under Section 9 of Hindu Marriage Act in February 2021.

Learned counsel for the petitioner has next submitted that the petitioner has been falsely implicated in the present

case solely on account of the fact that he happens to be the husband of Director Pooja Mahajan, whereas infact his relations with Pooja Mahajan are strained. It has also been submitted that Pooja Mahajan infact has virtually admitted her liability when she issued the cheque for an amount of Rs.4,99,500/- in favour of the complainant.

Notice of motion for 1.8.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Gurbhej Singh, has informed that pursuant to directions issued by this Court on 18.2.2022, petitioner-Lovish Mahajan has since joined investigation and is not required for any custodial interrogation. It has however, been informed that petitioner-Lovish Mahajan stands involved in two other cases.
4. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has already joined investigation and is not required for custodial interrogation and the role attributed to the petitioner is otherwise that of Media Anchor and was looking after the promotion of the company by way of advertisements and social media etc., the petition filed on behalf of Lovish Mahajan, as such, is accepted and the interim directions issued by this Court vide order

dated 18.2.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

5. As far as the regular bail petition, filed on behalf of petitioner-Pooja Mahajan is concerned, no doubt she is stated to be Director of the company 'M/s I Abroad Education & Immigration Services Private Limited' and there are specific allegations against her, but this Court cannot lose sight of the fact that the petitioner has been behind bars for the last more than 5 months.
6. Learned counsel for petitioner-Pooja Mahajan, has submitted that the petitioner in order to prove her bonafides is willing to deposit an amount of Rs.1 lakh within 2 weeks from today.
7. Though, the petitioner is stated to be involved in 5 other cases, but having regard to the aforesaid custody and while bearing in mind that the petitioner is a lady and investigation is already complete, her further detention will not serve any useful purpose. The petition filed on behalf of petitioner-Pooja Mahajan, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. However, the aforesaid directions (in CRM-M-28854-2022) shall be subject to the condition that the petitioner-Pooja Mahajan deposits an amount of Rs.1 lakh before the trial Court within two weeks from today, as has been offered by her today before this Court. Upon such

amount being deposited, the trial Court/Illaqa Magistrate shall get the same invested in some FDR in Nationalized Bank with the specific direction to the Bank Manager concerned not to entertain any request for encashment except an order of the Court. In case, the petitioner is found innocent and is acquitted and such acquittal attains finality, she shall be entitled to the proceeds of the FDR. However, in case she is found guilty and her conviction attains finality, it is the complainant who shall be entitled to the proceeds of such FDR.

9. A photocopy of this order be placed on the file of each connected case.

01.8.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No