

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.23795 of 2022
Date of Decision: 28.09.2022**

Ranadeep Ghoshal

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Shailender Kashyap, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has made the 2nd attempt to seek the relief of pre-arrest/anticipatory bail in the criminal case arisen out of the FIR bearing No.132 dated 24.03.2020 registered at Police Station DLF, District Gurugram, under Sections 406, 420, 467, 468 and 471 read with Section 120-B IPC, as the first petition bearing **CRM-M No.43944 of 2020**, as preferred by him earlier for seeking the same relief, had been dismissed by this Court on 17.11.2021 vide order Annexure P-12.

2 Bereft of unnecessary details, the allegations levelled against the petitioner in the present case, are that complainants Rahul Sinha and Abhishek Kumar came across an online advertisement from Unifact

Edutech Pvt. Ltd Company for studying abroad (Germany) on student visa and they (informants) and several other persons had paid huge amounts of money to the above-said Company for this purpose and the agreements had also been executed between the parties in this regard but they were not so sent there and later-on, the notary stamps etc were found to be the fake ones and during the investigation, it was found out that the petitioner was the Executive Director of the said Company.

3. Status-report has already been filed on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police, East, Gurugram.

4. I have heard learned counsel for the petitioner as well as learned State counsel in instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that after the dismissal of the said first petition as moved by the petitioner earlier, he (petitioner) has been able to lay his hands upon Annexure P-2, i.e the certificate qua the change of the name of *Uniassist Edutech Private Limited* Company as *Unifact Edutech Pvt. Ltd Company* and this document shows that the petitioner was not the Director of the said Company and thus, it becomes explicit that the petitioner had no concern with the alleged crime and he has also contended that the petitioner could not join in the investigation in compliance of the order passed by this Court in the afore-said previous petition because several FIRs have been registered against him and he has already preferred a Civil Writ Petition bearing No.20109 of

2022 before this Court to assail the registration of the multiple FIRs against him and in these circumstances, he (petitioner) deserves the relief as prayed for in the present petition.

6. Per contra, learned State counsel argues that the petitioner has specifically been named as an accused in the said FIR and he has also submitted the copy of the details of the account of the above-said Company with Kotak Mahindra Bank and has pointed out that the name of the petitioner as well as his *email id* find mention in the relevant columns therein and this document also bears his signatures as the authorised signatory of the said Company and he further argues that this document shows the involvement of the petitioner in the crime and in such circumstances, this petition be dismissed.

7. The contention regarding the petitioner not being the Director of the afore-named Company can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and at this moment, the Court cannot lose sight of the fact that the name, the *email id* as well as the signatures of the petitioner appear in the above-referred document pertaining to the bank-account of the Company which, *prima-facie*, goes to show that the petitioner had been participating in the affairs of the same.

8. Moreover, in para No.5 of the status-report, it has also categorically been deposed that the co-accused of the petitioner named Prateek Nepalia had suffered a disclosure statement mentioning therein that

he did not know about the original agreements and the stamps and only the petitioner and his other co-accused could tell about the same and in Para No. 9 therein, it has further been mentioned that the custodial interrogation of the petitioner is required for enquiring about the original agreements, stamps etc and to unearth the truth about the same so as to arrive at the logical conclusion.

9. Even if the petitioner has filed the said Civil Writ Petition to lay challenge to the registration of numerous FIRs against him but this fact, in itself, does not suffice at all, at this stage, to come to the conclusion that the petitioner has been got falsely implicated in the instant case.

10. Lastly, the plea of the petitioner regarding his inability to join in the investigation in compliance of the order as passed by this Court in the previously filed petition, on account of a number of the criminal cases having been registered against him, can also, by no stretch of imagination, be taken to be a justifiable ground for this omission on his part.

11. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

September 28, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No