

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

CRM-M-22185-2023

Reserved on: 28.02.2024

Pronounced on: 04.03.2024

2024:PHHC: 030361

SUKHJINDER SINGH

. . . . PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

. . . . RESPONDENTS

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Gursimran Singh, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.161 dated 26.09.2022 (Annexure P1) registered under Sections 406, 420, 465, 467, 468 and 471 IPC registered with Police Station Division 6, District Jalandhar.

2. Status report dated 25.10.2023 filed by way of affidavit of Harjinder Singh, PPS, Assistant Commissioner of Police, Model Town, Jalandhar on behalf of the respondent-State, has been received.

3.1 FIR was lodged on the complaint made by Kuldeep Singh and Anil Kumar, as per which, through their friend Vijay Kumar, they met accused Sukhjinder Singh (petitioner), who was running JMMK Centre, for getting admission in BAMS and BHMS courses. Petitioner demanded ₹8,50,000/- per student and asked them to give their 10th and 12th certificates. Advance money of ₹2 lakh each was given. Petitioner later on informed telephonically that their admission had been confirmed and asked them to deposit remaining fee of ₹3,30,000/- each. Kuldeep Singh made payment

through cheques; whereas one cheque was kept by the petitioner as security. Anil Kumar made payment of ₹5,30,000/- on different dates. This way, the two complaints made total payment of ₹10,60,000/- to the petitioner.

3.2 It was further alleged that petitioner failed to provide details of admissions or the name of college to the complainants on the pretext that due to Corona Pandemic, the colleges were closed. He kept on putting of the matter for about two years. When petitioner was contacted through Vijay Kumar, it was stated by him that courses of the complainant for BAMS and BHMS courses were completed and asked them for remaining payment. Complainants again asked for providing of admission number and the name of the college, so that they could deposit the remaining fee. On the asking of the petitioner, the complainants checked the website, the particulars of which were provided by the petitioner. However, the website was found to be fake. It was also found that fake degrees had been uploaded on the said website. This way, petitioner had committed fraud with the complaints. They asked the petitioner to return the money, but instead of returning the same, petitioner threatened them with dire consequences.

3.3 Necessary FIR was registered. Investigation was carried out and the degrees as uploaded on the fake website were found to be fake.

4. It is contended by the petitioner that he has been falsely implicated at the instance of Vijay Kumar, with whom he was having dispute inasmuch as said Vijay Kumar had defrauded him in the sum of ₹22,50,000/-. Petitioner had filed a complaint under Section 138 of the NI Act against said Vijay Kumar, which is still pending. Counsel for the petitioner further submitted that he was even ready to settle the dispute amicably with the complainants by returning the alleged money.

5.1 Refuting the aforesaid contentions, ld. State counsel drawn attention towards the fact that neither any details have been provided for paying ₹22,50,000/- to Vijay Kumar nor there is any such document to show that for what purpose, petitioner had obtained money from the two complainants.

5.2 Ld. State counsel also submits that degrees of BAMS and BHMS courses provided by the petitioner to the complainants were found to be forged and fabricated documents and the same were found to be uploaded on the fake website. Ld. State counsel also drawn attention towards the order passed by ld. Additional Sessions Judge, Jalandhar, wherein it is observed that it was found during inquiry that petitioner was giving such fake degrees to various persons also and that several degrees were lying on the police file. Ld. State counsel submits that in these circumstances, custodial interrogation of the petitioner is required.

6. After hearing ld. counsel for the petitioner and the ld. State counsel and looking into the nature of allegations against the petitioner, who defrauded the complainants of the case on the pretext of providing degrees of BAMS and BHMS courses and then provided them fake degrees of the said courses by uploading the same on the fake website, this Court is not inclined to grant the benefit of pre-arrest bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

04.03.2024
Vivek

Whether speaking/reasoned?	Yes
Whether reportable?	No