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2024:PHHC:032183

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43610-2020

Date of decision :06.03.2024

RANADEEP GHOSAL

... Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner(s).

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J. (ORAL)

On 28.12.2020, the following order was passed:-

“Notice of motion for 12.1.2021.

In the meantime it shall be open to the petitioner to place on record any document to support his case as on an earlier date it had been submitted that it is students themselves who are at fault since they had not cleared A1 and A2 examination.

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

Thereafter, on 12.01.2021, the following order was passed:-

“The petitioners, namely, Ashima Malhotra in CRM-M43598-2020 and Ranadeep Ghosal in CRM-M-43610-2020 seek grant of anticipatory bail in respect of a case registered vide FIR No.239 dated 08.07.2020 at Police Station DLF, District Gurugram, under Sections 406, 420 and 506 IPC.

The allegations in nutshell in the instant case are that the complainant has been duped of huge amount by the accused on the pretext of getting his admission in some University in Germany. As per FIR, the complainant had contacted one Vishakha Madam of M/s UniFact Edutech Pvt. Ltd., who had initially directed

the complainant to deposit an amount of Rs.1826/- and upon deposit of said amount, a list of Universities of Germany had been sent to the complainant. Thereafter, the complainant was asked to deposit a registration fee of Rs.82,600/-, which the complainant accordingly transferred through a bank account. Subsequently, another amount of Rs.2,95,000/- is stated to have been deposited and the complainant was told to clear German Language 'A1' & 'A2' examinations.

Learned counsel for the petitioners has submitted that the firm i.e. M/s UniFact Edutech Pvt. Ltd. in which the petitioners are working as Director and employee respectively, is in fact rendering career counseling, assistance, advice, guidance or arranging admissions in Universities of Germany and also organizes travel arrangements and renders assistance for getting Visa. It has been submitted that as per the agreement entered into between M/s UniFact Edutech Pvt. Ltd. and the complainant (Annexure P-1), a candidate was required to submit a certificate indicating that he had passed 'A1' & 'A2' examinations conducted by Goethe (Maxmuller) and that since the complainant had not passed the said tests, therefore, M/s UniFact Edutech Pvt. Ltd. was unable to arrange for his admission.

Since it is apparent that there has been some kind of agreement between the complainant and M/s UniFact Edutech Pvt. Ltd. as per which the applicant desirous of going to Germany and getting admission was required to furnish some documents/certificates including a certificate of his having passed 'A1' & 'A2' examinations, the State to furnish definite information, as to whether the complainant had appeared in the said 'A1' & 'A2' examinations and if appeared, as to whether he had passed the said tests or not.

List again on 09.04.2021.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the 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.

A photocopy of this order be placed on the connected file.”

On 09.04.2021, the following order was passed:-

“Since the learned State counsel has informed that the petitioner(s) has not joined investigation, the petitioner(s) is directed to appear before the Investigating Officer on 4.5.2021 or on any other date as may be directed by the Investigating Officer.

List on 20.7.2021.

Interim directions, if any, to continue.

A photocopy of this order be placed on the connected file.”

On 28.02.2024, the following order was passed:-

“The learned counsel for the petitioner submits that one more opportunity be granted to the petitioner to join the investigation.

List again on 06.03.2024.

The petitioner is, once again, directed to comply with the order dated 12.01.2021.

Interim order to continue.”

Despite the aforementioned orders, the petitioner has not joined investigation.

In view of the above, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

06.03.2024
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No