

202 CRM-M-19101-2015

DHARAMBIR SINGH VS STATE OF HARYANA

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Harpreet Singh, Advocate
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana.

Mr. S.K. Bawa, Advocate
for the informant.

Learned counsel for the State on instructions from ASI
Madan Singh of Police Station Economic Offences Wing,
Gurgaon, submits that in compliance with the interim directions
dated 04.06.2015, the petitioner has joined the investigation and
his custodial interrogation is not required.

Learned counsel for the informant Sh. S.K. Bawa
submits that so far as the consumers of the respective flats are
concerned, as many as eight FIRs have been separately
registered against the petitioner. The only dispute remains in
the present case is that the informant has to receive ₹ 31,00,000/-
(Rupees thirty one lacs only) from the petitioner, in addition to
commission etc.

I have heard learned counsel for the parties and with
their able assistance have gone through the material available
on record.

So far as the consumers of the flats are concerned, separate FIRs have been registered. The petitioner would seek separate remedies for the separate FIRs. In the present case, primary dispute is with the dealer, who was authorised to sell the flats, to be constructed by the petitioner.

As per the informant/complainant, the petitioner has to pay ₹ 31,00,000/- (Rupees thirty one lacs only) to him. The amount due cannot be recovered in a criminal matter. The informant if so advised, has to take appropriate steps by filing appropriate petitions before the appropriate Forum(s). As per the counsel for State, the petitioner has joined the investigation and is no more required for custodial interrogation.

In view of the above, the present petition is accepted. Interim directions dated 04.06.2015 are made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

(NARESH KUMAR SANGHI)
JUDGE

21.09.2015

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