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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32292-2015

Date of Decision : October 7th, 2015

Rajender Kumar Chhawari

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. Ram Darshan Yadav, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
for the respondent-State,
assisted by Mr. Parvez Chugh, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

CRM No. 33001 of 2015

For the reasons mentioned in the application, petitioner is permitted to place on record documents, Annexures P/9 to P/11 and is exempted from filing certified copies thereof.

Application stands disposed of.

Main Petition.

Present petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case bearing FIR No.256 dated 13.7.2015 under Sections 387, 506 read with Section 34 of IPC registered at Police Station Susant Lok, Gurgaon.

Allegations against the petitioner, that in the year 2011, the

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petitioner – Rajender Kumar Chhawri had taken a contract to raise construction on the site of daughter of the complainant, Dr. R.L.Anand i.e. Plot No. 73, Saraswati Kunj, Sector 53, Gurgaon. In April, 2015, the accused-petitioner terminated the contract and sought money from the complainant and started threatening him in person as well as through other local goons to take illegal possession of the property in question. During investigation, it was found that the accused-petitioner had not completed the work and the complainant had paid Rs.1.10 crores and the petitioner was threatening the complainant and his daughter to pay Rs.37 lacs more, lest they would be killed.

Learned counsel for the petitioner submitted that the dispute between the parties is purely of civil nature and quashing petition has separately been filed before this Court. Civil litigation *inter se* parties is also pending before Delhi High Court. In fact, the complainant was aggrieved when the petitioner raised demand of his claim and he was falsely implicated in this case. More so, the petitioner is ready to join the investigation.

Learned State counsel as well as learned counsel for the complainant submitted that the allegations against the petitioner are about threatening the complainant who is a US citizen and is 84 years of age. During the course of hearing, learned counsel for the complainant has also produced a copy of the e-mail dated 27.6.2015 establishing the said allegations. The petitioner is required for the purpose of investigation. So, his bail application be dismissed.

In view of the above facts and keeping in view the seriousness of allegations that the accused-petitioner had been threatening the

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complainant and his daughter, he is required for custodial investigation, the petitioner does not deserve the concession of anticipatory bail. The present petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

October 7th, 2015
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