

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-43097 of 2014

.....

Date of decision:20.1.2015

V.K. Bhatia

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Adarsh Jain, Advocate for the complainant.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.694 dated 27.11.2014 registered for the offences under Sections 420, 406 and 120-B IPC at Police Station Central Faridabad, District Faridabad.

Notice of motion has been issued in this case.

Mr. Deepak Grewal, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Adarsh Jain, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the petitioner and learned

Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

Learned counsel for the petitioner argued that there is no agreement to sell nor any receipt regarding receiving amount of ₹42 Lacs. There is no document on record to show that the petitioner has received any amount. The amount of ₹9 Lacs has been deposited with M/s Vardaan Estate Agency, whose owner is son of the petitioner. Otherwise also, learned counsel for the petitioner contended that it is a business dealing with the son of the petitioner and the complainant.

On the other hand, learned counsel for the complainant as well as learned State counsel contested the bail petition by stating that it is a serious offence as ₹42 Lacs has been received in cash by the present petitioner as well as Amit Bhatia.

After going through the record, I find that there is no receipt taken by the complainant after payment of ₹42 Lacs. There is no agreement to sell got executed by the complainant from the present petitioner. At this stage, the only oral averments have been made. There is no document to show that any amount has been paid to present petitioner V.K. Bhatia.

[3]

It is argued that M/s Vardaan Estate Agency is not owned by the present petitioner nor he is the partner. ₹9 Lacs has been shown to be deposited in the account of M/s Vardaan Estate Agency, which is a proprietary firm as per Annexure-P.1.

So, keeping in view the facts and circumstances of the present case, I find that a case for grant of anticipatory bail is made out.

In the facts and circumstances of the present case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

January 20, 2015.

(Inderjit Singh)
Judge

hsp