

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

(204)

CRM-M-12866-2016

Decided on: May 24, 2016.

Manav Malhotra

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Mr. C.S. Bakhshi, Addl. A.G., Haryana.

Mr. Surinder Singh Duhan, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner is proprietor of M/s Gauransh Associates, Panchkula. As per the allegations of Col. Rohit Kumar, the petitioner induced the complainant to part with a sum of Rs. 10 lacs by alluring him that by investing that much money in the project of M/s Bhumi Infrastructure Corporation Ltd. Panchkula, he would be allotted plot.

The claim of the petitioner is that he himself had been duped by the proprietors of the above said project and he was made to loose a sum of Rs.45 lacs invested by him as per the receipt, copy of which has been appended as Annexure P-2.

Pursuant to the interim order passed by this Court, the petitioner has joined the investigation but it has been brought to the notice of this Court by the State counsel on the instructions of SI Mange Ram that the petitioner is involved in two other criminal cases of similar nature and

that he is facing trial in complaints under Section 138 of the Negotiable Instruments Act.

Learned counsel for the complainant has intervened to oppose application for bail contending that the complainant has furnished an affidavit making a reference to another FIR No. 350 dated 24.08.2014 registered at Police Station Sector 39, Chandigarh wherein the allegations, against the present petitioner, are that he had, acting as an authorized dealer/agent of M/s EMAAR MGF, offered to sell a plot for sum of Rs.53.36 lacs to complainant Ravinder Singh and obtained a sum of Rs.17.35 lacs as earnest money. In his application for pre-arrest bail before another Bench of this Court, the petitioner had initially promised to repay the money but later on he resiled from his promise and his application for pre-arrest bail was dismissed on 26.05.2015. Reference has also been made to another case FIR No.5 dated 08.01.2016 under Section 420 IPC registered at Police Station Chandimandir, Panchkula as well as FIR No.3 dated 21.04.2016, under Section 420 IPC registered at Police Station Mansa Devi, Panchkula, involving similar allegations against the petitioner. List of 19 private complaints pending in various Courts at Gurgaon, Yamuna Nagar, Chandigarh and Panchkula, has also been furnished wherein the petitioner is facing proceedings under the Negotiable Instruments Act at the instance of different persons.

I have heard learned counsel for the petitioner at length and gone through the entire police file.

The factum of registration of three other FIRs and pendency of the private complaints under Section 138 of the Negotiable Instruments Act, as noticed above could not be refuted by the counsel for the petitioner.

I have considered the contentions of learned counsel for the petitioner qua the receipt Annexure P-2 regarding money having been paid by him to Col. S.S. Deswal but I do not find any force in the said contention.

The petitioner, prima facie, appears to have committed cheating not only with the complainant but with other persons including Ravinder Singh and others in the other three FIRs and the complainants as mentioned in the affidavit of complainant placed on record. No extraordinary exceptional circumstances exist to grant concession of pre-arrest bail to the petitioner.

The petition is dismissed without prejudice to the right of the petitioner to seek concession of regular bail or to approach this Court again in case the matter is amicably settled with the persons who have been cheated.

(M.M.S. BEDI)
JUDGE

May 24, 2016
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