

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

214

CRM-M-44286-2015

Date of Decision: February 1, 2016

RAJESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

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

Present: Mr.K.S.Dadwal, Advocate for the petitioners
Petitioner in person

Mr.Vikas Malik, DAG, Haryanat

Mr. Keshav Pratap Singh, Advocate for the complainant

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

The petitioner seeks concession of pre-arrest bail in a case registered at the instance of Hanmat Singh Chahal alleging that the petitioner by alluring the complainant has cheated him of Rs.10,00,000/- for arranging him the sale of a shop in a shopping complex with all facilities and was shown a site plan to the complainant which was absolutely different from the present site of construction. The allegation against the petitioner is that he himself has got a residential room in the alleged shopping complex. Further allegation against the petitioner is that without proper sanctioning of the plan by DTP construction has been raised.

Counsel for the complainant has intervened to oppose the application by placing on record Annexure C/1 to C/3 Brochure indicating that the complainant had promised a shopping complex named "Parkland Plaza" on the place but the shop offered is a shabby construction.

I have heard counsel for the petitioner, counsel for the complainant and the State counsel. The petitioner is ready to perform his part of contract by executing a sale deed in favour of the complainant against the amount already received by him by waiving the balance sale consideration as a special case, stating that complainant is also a property dealer.

I have considered the facts and circumstances of the case. It is a case of combined liability of breach of promise and the alleged act of duping the complainant with false promise to part money. The parties appear to have other remedy for their legal rights. The complainant can also seek refund of money paid by the complainant on the ground of alleged fraud having been committed or on the ground of petitioner agreeing to waive of balance sale consideration.

The petition is allowed. It is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioner will join investigation as and when required and will not tamper with the evidence or hamper investigation in any manner. He will abide by the statement made by him in the Court for transferring the property without asking for any other amount beyond the money already received by him this will be without prejudice to the right of the complainant to recover any amount and to proceed his other legal rights.

February 1, 2016
TSG

(M.M.S.BEDI)
JUDGE