

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

CRM-M-16251-2016 (O&M)
Date of decision : 16.02.2017

VIVEK VEDI & ORS

...Petitioner (s)

Versus

STATE OF HARYANA

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. J.S. Bedi, Sr. Advocate with
Mr. L.S. Chahal, Advocate and
Mr. Rajeev Kumar, Advocate
for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Subhash.

Mr. Manjeet Singh, Sr. Advocate with
Mr. Samrat Malik, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

CRM-5080-2017

CRM is allowed and Annexures P-11, P-12, P-13 and P-14
(colly) are taken on record, subject to all just exceptions.

Main Case

By filing the present petition under Section 438 of the Code of
Criminal Procedure, the petitioners have sought anticipatory bail in FIR
No.133, dated 28.03.2016, registered under Sections 406, 420 and 120-B of
the Indian Penal Code, at Police Station Civil Lines, District Gurgaon.

The learned Senior counsel for the petitioners refers to Clause 11 of the Joint Venture Agreement reached between the parties on 23.04.2012 at Delhi to contend that complainant/second party had undertaken to settle all the dis-satisfied applicant/allottees and refund any and all such applicants' money received by the first party. The petitioners have repeatedly joined the investigation.

On the other hand, the learned Senior counsel for the complainant submits that the petitioners were under obligation to open the escrow accounts as per memo of understanding and to execute the irrevocable GPA in favour of the complainant for land measuring 2 acres and 3 kanals to safeguard the interest of the complainant. However, there is no document on record indicating any step taken by either of the parties towards opening of escrow account. It has been further referred in the judgment dated 11.12.2015 passed by this Court in FAO No.5875 of 2015 that no steps were taken by the company to open the escrow account.

The learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the investigation.

The learned Senior counsel for the petitioners, on instructions, undertakes that claim of all unsatisfied allottees have already been settled and he further undertakes that whosoever allottee approaches for cancellation and for refund shall be refunded within six weeks of filing the application with interest @ 9% per annum of the amount which remained

with the petitioners.

The amount of Rs.30,00,000/- deposited by the petitioners in the Registry of this Court in pursuance of order dated 12.05.2016 shall be kept in FDR in nationalised bank till the decision of the FIR case.

Heard.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 12.05.2016, is made absolute. The petitioners shall abide by the terms and conditions as enumerated in Section 438 of the Code of Criminal Procedure.

The petition stands allowed.

16.02.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No