

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

CRM No. M-2245 of 2017 (O&M)

Date of Decision:20.03.2017

Parveen Kumar Tondon

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sandeep Wadhawan, Advocate,
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. R.S.Bains, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.277 dated 11.11.2016, under Sections 420/467/468/471/120-B of IPC, registered at Police Station Chheharta, District Amritsar (Punjab).

The FIR has been registered upon an inquiry having been conducted in pursuant to an affidavit/application received from the Human Right Struggle Committee stated to be an NGO.

Allegations primarily are that the present petitioner in connivance with other co-accused had entered into an agreement to sell qua 130 acres land from Kulwinder Kaur wife of Jarnail Singh in the year 2012 situated at Village Barindli, District Hoshiarpur. On the strength of such agreement, the accused party including the present petitioner induced a number of innocent investors/prospective buyers 46 in number mentioned by name in the FIR itself to purchase plots of different sizes and by

operating under the guise of a company by the name of Navrattan Real Estate. Present petitioner is concededly one of the Directors of such company.

The investors/prospective buyers are stated to have paid different sums of money i.e. some having paid one solitary installment and others more than that and thereafter the project having got stalled.

Learned counsel appearing for the petitioner would vehemently argue that the actual delivery of the plots in question could not fructify as the investors/prospective buyers had themselves defaulted in payment of installments. It is further contended that the petitioner has entered into a settlement with as many as 35 such investors and such investors have been offered alternative plots at a different site. Accordingly, it is contended that petitioner be insulated by an order as regards arrest so that he may associate with the investigation process.

Learned State counsel as also counsel appearing for Human Right Struggle Committee would oppose the present petition and submit that till now the investigation process has only touched the tip of the scam as the NGO Committee has collected 75 agreements to sell which allegedly carry the signatures of the present petitioner.

On a specific query having been put to counsel appearing for the petitioner, it has been conceded that in pursuance to agreement to sell entered into with Kulwinder Kaur as regards land in question, the sale deed was never executed and as such there was no formal transfer of title in the name of Navrattan Real Estate or for that matter in the personal name of the petitioner himself. It also stands conceded that Navrattan Real Estate of which the petitioner was the Director had no permission from the competent

authority/PUDA authorities to plot a colony on agricultural land.

Even though a stand has been taken that a settlement has been arrived at with approximately 35 investors yet counsel would submit that there were approximately 75 such investors who had paid varying sums of money to invest in the scheme floated by Navrattan Real Estate Private Limited.

Clearly it is a case wherein innocent investors have been duped of their hard earned money on the inducement of selling them a dream house. It is a case which requires a thorough and deep probe and for which custodial interrogation of the petitioner may well be warranted.

This Court is not inclined as such to extend in favour of the petitioner the concession of pre-arrest bail.

Petition dismissed.

20.03.2017

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(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No