

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 203

Case No. : Crl. Misc. No. M-39191 of 2016

Date of Decision : February 07, 2017

Kapil Loomba		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Anurag Chopra, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J. :

Through this petition filed under Section 438 Cr.P.C., the petitioner seeks grant of anticipatory bail in FIR No. 168 dated 17.07.2016, registered under Section 420 IPC, at Police Station Civil Lines, District Patiala.

While issuing notice of motion on 04.11.2016, this Court had granted ad-interim anticipatory bail to the petitioner to the satisfaction of the Arresting Officer, subject to his joining investigation and conditions envisaged under Section 438(2) Cr.P.C.

As per the allegations in the FIR, the complainant had contacted the petitioner, who was a Property Dealer, for purchase of a

residential plot. The petitioner, in turn, introduced the complainant to M/s U. K. Homes Private Limited (for short – the Company), who was launching a project in Zirakpur, where the complainant wished to buy a residential plot. The complainant, after meeting the Managing Director and other Directors of the aforesaid Company, agreed to purchase a plot measuring 125 sq. yds. @ ₹ 13,500/- per sq. yd. and in pursuance to such agreement, he paid to the Company an amount of ₹ 8,21,210/-. Later, when the complainant came to know that no such project had been launched, he filed a complaint with the police, which formed the basis of the FIR in question.

Learned counsel for the petitioner submits that the petitioner is merely a Property Dealer and had no connection, whatsoever, with the Company and as per the complainant's own saying, he made the investment after meeting the Managing Director and Directors of the Company. Thus, the petitioner was completely innocent. It is further submitted that the petitioner, in pursuance to the interim order passed by this Court, has duly joined the investigation and has fully co-operated with the police.

Learned State counsel opposes the grant of bail saying that there are serious allegations against the petitioner.

After considering the afore-referred submissions, I am of the opinion that custodial interrogation of the petitioner is not necessary, especially when he has already joined investigation and has co-operated with the police and that he had merely introduced the complainant to the

Company for purchase of a residential plot, which was purchased by the

complainant after having personally met the Managing Director and Directors of the Company.

In view of the above, the petition is allowed and order dated 04.11.2016 granting ad-interim anticipatory bail to the petitioner is made absolute subject to the conditions prescribed under Section 438(2) Cr.P.C.

Nothing observed herein above shall be considered as an expression of opinion by this Court on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 07, 2017
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>