

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M- 44532 of 2016 (O&M)

Date of Decision: April 24, 2017

Anand Kumar Rampal

.....Petitioner

Vs.

State of Punjab and anr.

.....Respondents

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

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Present:- Mr.T.C. Dhanwal, Advocate for the petitioner.

Ms.Anu Pal, AAG, Punjab.

Mr. K.V. Nanda, Advocate for the complainant.

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M.M.S. BEDI, J.

This is third petition for grant of pre-arrest bail filed by the petitioner in a case which was registered at the instance of complainant Renuka Sanjay Thakur alleging that the petitioner along with co-accused had allured the complainant to invest in the real estate business. She entered into a buy-back agreement on August 4, 2014 with the petitioner in the name of Hanumanta Land Promoters Private Limited for purchase of 10 flats. The petitioner- accused took Rs.60 lacs from the complainant with a condition

that if the possession of the flats is not handed over till February 5, 2015, then the complainant would be given back Rs.60 lacs with Rs.5.40 lacs as incentive. Due to the non-fulfillment of the condition of handing over of the possession, the complainant asked for return but she was given only Rs.20 lacs and has been duped of the remaining amount.

The petitioner after dismissal of his two petitions earlier, has filed the present petition raising a ground that as a matter of fact, the complainant had approached the petitioner in July 2014 for purchase of 10 flats and had issued few cheques. In para 6 of the petition, details of the cheques acquired and debited in the account of the complainant have been given. It is asserted by counsel for the petitioner that complainant has received a sum of Rs.69 lacs instead of Rs.60 lacs from the petitioner.

A document annexure P-6 has been filed to the effect that on the basis of some transactions, the petitioner now seeks to establish that it is a case of rendition of accounts between the parties as the petitioner has already repaid the entire amount received from the complainant.

The notice was again issued to the complainant. The affidavit and counter-affidavits are being filed before this Court. It will not be appropriate for this Court to enter into the dispute pertaining to the money transactions as a serious controversy appears to have arisen whether the amount paid by the petitioner was in lieu of some other transactions or the same is connected with the transaction of the flats in dispute.

During the course of arguments, State counsel informs that the petitioner is involved in few other cases and that he is a proclaimed offender in a case which is registered in another State.

I have heard counsel for the petitioner, State counsel as well as counsel for the complainant. A serious controversy appears to exist regarding petitioner having actually joined investigation. A clarification was sought from the complainant regarding the alleged excess payment having been received by her. She has made an endeavour to explain that the amount has not been received by her.

In view of the above circumstances, I do not find any extraordinary exceptional circumstances warranting the entertainment of the third petition for bail as no fresh grounds seem to have arisen for changing the opinion regarding the earlier dismissal of the petitions for pre-arrest bail.

No ground is made out for grant the concession of pre-arrest bail to the petitioner.

Dismissed.

April 24, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.