

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

CRM-M-46844 of 2016

Date of decision: 31.1.2017

Amita Juneja and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE GURMIT RAM

Present: Mr. Sachin Gupta, Advocate
for the petitioners.

Mr.Ravi Partap Singh, AAG, Haryana with
ASI Suresh.

Mr.Abhishek Sindhwani, Advocate
for the complainant.

GURMIT RAM, J. (Oral)

This petition has been filed for grant of anticipatory bail to the petitioners above-mentioned in criminal case bearing FIR No.829 dated 21.12.2016, under Sections 406 and 420 of the IPC registered at Police Station Model Town, Panipat.

The case of the prosecution in nutshell is that complainant – Anil Gandhi was known to accused No.2 – Jugal Juneja since long. In the year 2011, the said accused told him that he intends to sell his house since

he has suffered losses in the business. At that time, he also assured him that there is no debt either of bank or of any financial institute on this property. On believing him, complainant advanced a sum of ₹10 lacs to both the accused. The total deal was settled at ₹35 lacs as the price of the house. Thereafter, the accused continued to receive money from the complainant and in this process, a sum of ₹8 lacs was paid to them. Then later on, the complainant learnt that both the accused also took money qua this house from one Gaurav Nanda and misappropriated the same. Then on 10.3.2014, complainant came to know from a newspaper item regarding auction of this very house by Nainital Bank which resulted into the registration of the present FIR.

Heard learned counsel for the parties.

Learned counsel for the petitioners has contended that petitioners have been involved in this case falsely on the basis of concocted version. Then it is further his contention that only agreement to sell was executed between the parties. In this regard, ₹18 lacs were paid to the accused as part payment. Further, it is contended that petitioners are ready to join the investigation and as such they be granted the permission to join the same.

As above discussed, the petitioners/accused had firstly obtained loan from Nainital Bank which they did not pay and the property in question was put on auction for this reason. Then they entered into an agreement to sell qua the same very property in favour of the present complainant and took from him a sum of ₹18 lacs. Then it also came on record that the petitioners took money from one Gaurav Nanda qua

the same very property and misappropriated the same.

So in the light of these circumstances, the custodial interrogation of the petitioners is required and no case for the grant of anticipatory bail to the petitioners is made out. Hence this petition stands dismissed and disposed of accordingly.

However, nothing observed hereinabove shall be construed as expression of opinion on the merits of the case.

31.1.2017

Brij

(GURMIT RAM)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No