

CRM No. M-50026 of 2017 (O&M) and connected petition 1

Sr. No.212

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

CRM No. M-50026 of 2017 (O&M)

Date of Decision: 03.04.2018

Karan Anand

... Petitioner

Versus

State of Haryana

... Respondent

CRM No. M-2182 of 2018 (O&M)

Lachman Singh Negi

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Pavan Malik, Advocate,
for the petitioner in CRM No.M-50026 of 2017.

Mr. Vikas Bishnoi, Advocate,
for the petitioner in CRM No.M-2182 of 2018.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. Akashdeep Singh, Advocate,
for respondent No.2-complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-50026 of 2017
(Karan Anand Vs. State of Haryana) and CRM No.M-2182 of 2018
(Lachman Singh Negi Vs. State of Haryana) as both these
connected petitions have been filed under Section 438 Cr.P.C.
seeking concession of anticipatory bail to the petitioners herein
and arise out of FIR No.19 dated 07.01.2017, under Sections 406/

CRM No. M-50026 of 2017 (O&M) and connected petition 2

420/ 120-B IPC, registered at Police Station Civil Lines, Gurgaon.

While issuing notice of motion in CRM No.M-50026 of 2017, the following order was passed by this Court on 27.12.2017:-

“Heard.

Counsel for the petitioner herein would contend that a reading of the FIR would show that there is no averment or role attributed to the petitioner herein regarding non-fulfillment of agreement or handing over the flat to complainant Mr. Jetha Nand Saluja. In fact, the entire FIR would read that it is Manjula Mehta and Amit Batra, who have defrauded the complainant. It is also contended that no recoveries are to be effected from the petitioner and he is ready to join the investigation.

Notice of motion for 19.02.2018.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Likewise, notice of motion order dated 22.01.2018 passed in CRM No.M-2182 of 2018 reads in the following terms:-

“Petitioner seeks concession on pre-arrest bail in case FIR No.19, dated 07.01.2017, under Sections 406/420/120-B IPC, registered at Police Station Civil Lines, Gurgaon.

Counsel would submit that the FIR has been registered apparently on account of non fulfillment of obligations arising out of a MOU that had been entered into between the owner of a vacant plot i.e. Manjula Mehta and Amit Batra. As per MOU, certain floors were to

be constructed on such plot and the complainant had entered into an agreement to sell pertaining to one particular floor with Manjula Mehta and such agreement was on the strength of the original MOU and an affidavit furnished by Amit Batra. Allegation in a nutshell is that the complainant had paid a sum of Rs.27 lakhs to Manjula Mehta and such amount having been misappropriated as the constructed floor and possession thereof has not been given to the complainant.

Insofar as the present petitioner is concerned, he is stated to be a real estate agent/property dealer working in a tandem with one Karan Anand and who had facilitated the entering of the MOU as also the agreement to sell entered into subsequent in point of time between the complainant and Manjula Mehta.

Counsel for the petitioner has argued that the main accused in the present case would be seen as Manjula Mehta and Amit Batra, who have not honoured their commitments as per MOU/Agreement to sell. Further urged that there is no entrustment of money by the complainant to the petitioner or his partner, namely, Karan Anand, co-accused.

Counsel has also adverted to an order dated 27.12.2017 passed by a Coordinate Bench whereby ad interim protection has been granted in favour of co-accused Karan Anand in CRM-M-50026-2017.

Notice of motion, returnable for 19.02.2018.

To be listed along with CRM-M-50026-2017.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and he

shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

State counsel upon instructions from ASI Rohtash Singh, Police Station Sector 14, Gurugram apprises the Court that petitioners have since joined investigation.

The allegations contained in the FIR are founded on documentary evidence and which is already in the possession of the Investigating Agency.

State counsel submits that no recovery as such is to be effected from the petitioners.

In view of the above, custodial interrogation of the petitioners would not be warranted.

Petitions are allowed.

Order dated 27.12.2017 in CRM No.M-50026 of 2017 and order dated 22.01.2018 in CRM No.M-2182 of 2018 passed by this Court are made absolute.

Disposed of.

03.04.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No