

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31402 of 2018

Date of decision: March 12, 2019

Rajan Garg		Petitioner
	Versus	
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Rana, Advocate
 for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Ajaivir Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN J.

Petitioner-Rajan Garg has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.41 dated 12.2.2016 under Sections 406, 420 (Section 120-B IPC and Section 413 IPC added later on) registered at Police Station Zirakpur, District S.A.S. Nagar, Mohali during the pendency of the trial.

As per the allegations in the FIR, M/s Royal Empire is partnership firm and the petitioner-Rajan Garg, Jeewan Garg, Prince Garg, Smt. Anju Garg and Smt. Nitika Garg are the partners of the said firm.

The firm has offered to sell the flats and despite receiving the amount from the complainant, as detailed in the FIR, the petitioner and other accused have taken a huge amount from the complainant but have failed to deliver the possession of the flats as they have no valid sanction/ no objection from the government for the land and as well as the construction and, thus, the petitioner knew since beginning that they cannot deliver the flats in lieu of the amount taken by them from the complainants. It is further stated that the total sale consideration of some of the flats was made but they were not constructed. On the one hand, the complainants are paying huge interest to the Bank on the loan taken by them for their flats and on the other, the petitioner-accused has duped them.

Counsel for the petitioner has submitted that the since the investigation is complete, challan has been presented, charges are framed, it will take some time in conclusion of the trial and the petitioner are in custody for a long time, the petitioner be granted the regular bail.

In, reply, learned State counsel, on instructions from IO as well as the counsel representing the complainant, have vehemently opposed the prayer on the ground that the petitioner is involved in number of other FIRs, with similar allegations that he has duped the complainants with dishonest intention to sell the constructed flats and after obtaining the amount, he failed to hand over the possession of the flats or to return the amount. It is further submitted that petitioner has no intention to repay the amount.

After hearing counsel for the parties, I find that no ground is made out to grant the regular bail to the petitioner, considering the allegations of duping number of complainants. It is not disputed that huge amount as sale consideration has been obtained from the complainants. Nothing has come on record that the petitioner- accused has shown any bonafide intention that he will hand over the possession of the flats or return the amount which demonstrate the dishonest intention of the accused as he has usurped the hard earned money as well as the loan amount taken by them from the bank.

Considering the serious allegation against the petitioner, I find no ground to grant the regular bail to the petitioner.

Dismissed.

March 12, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No