

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-17087-2019 (O & M)

Date of Decision: 08.07.2019

KUSHAGAR ANSAL

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Ms. Sudipti Sharma, Addl. AG, Punjab.

Mr. Rakesh Dhiman, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 246 dated 16.05.2018, under Sections 3, 7, and 10 of the Haryana Development and Regulation of Urban Areas Act and Sections 406 and 420 of the Indian Penal Code, registered at Police Station Gurugram, District Gurugram.

Learned counsel for the petitioner contends that the allegations against the petitioner in the FIR are that he had accepted the payment for allotment of two flats before the sanction of the building plan. The petitioner had accepted the payment of Rs.9,58,102/- (Rs.4,79,051/- per flat) in the year 2012 from two complainants but the building plan was sanctioned on 03.05.2012, which is allegedly in violation of condition No.7 of the licence No.76 of 2010. He also contends that there is no other person besides the complainants who has been allegedly defrauded in a similar manner. He also contends that the petitioner has returned the money received from the complainants along with interest @ 9%.

Learned counsel for the complainants, however, contends that an amount of ₹71,698/- is still outstanding.

Learned counsel for the petitioner states that the outstanding amount shall be paid within a week.

This Court, by the order dated 30.04.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Krishan Chander, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 30.04.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 08, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No