

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38083-2020 (O&M)

Date of Decision:- 17.3.2021

Poonam Gupta and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumeet Goel, Advocate, for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Amit Kumar.

Mr. Sameer Dewan, Advocate for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-7819-2021

In view of the reasons mentioned in the application, the same is allowed as prayed for and documents Annexure C-1 and C-2 are taken on record subject to all just exceptions.

CRM-M-38083-2020 (O&M)

1. The petitioners seek grant of anticipatory bail in a case registered vide FIR No.361, dated 15.10.2020, Police Station Sector 50, Gurugram, under Sections 406, 420, 506, 468, 471 and 34 IPC.

2. At the time of issuance of notice of motion the following order was passed on 18.11.2020:-

“The learned counsel for the petitioners contends that the allegations in the FIR are broadly to the effect that the complainant was introduced by the property dealer Bhupinder Gehlot with the present petitioners for sale of land belonging to the petitioners and that the petitioners had taken an amount of `70 lakhs from the complainant but had never executed any agreement to sell. The learned counsel for the petitioners submits that even if the allegations as levelled in the FIR are taken to be correct, the same at best would constitute a civil liability. It has further been submitted that in any case there is no credible evidence to show that the petitioners had ever received any amount and it is nowhere alleged that the same was paid by any cheque, draft or through RTGS.

Notice of motion for 17.3.2021.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel for the complainant has however, opposed the petition on the ground that the petitioners have indulged into forgery so as to deprive the complainant of huge amount and in this regard has referred to the documents Annexure C-1 and C-2 which have been placed on record.

4. Learned State counsel, upon instructions from ASI Amit Kumar, has informed that pursuant to interim directions issued by this Court, the petitioners have joined investigation. Upon a specific query put to the State counsel by this Court as to whether any evidence has been collected to establish as to by what means the amount of Rs.17 lakhs was transferred, the learned State counsel has informed that as on date the only evidence which could be found is that the said amount had been paid in cash. It has been informed that although relevant documents had been recovered but no cash had been recovered from the accused.
5. Keeping in view the aforestated facts and circumstances especially that the petitioners have already joined investigation and there is no substantial evidence to establish the transfer of amount, the petition is accepted and the interim directions issued by this Court vide order dated 18.11.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 17, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No