

275 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9310-2021
Date of Decision: 25th July, 2022

Sanjay Gupta

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ankit Bishnoi, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition was filed seeking directions to the official respondents not to arrest/detain the petitioner on the date of his presence before the respondents as prescribed in the notice dated 22.1.2021.

On 26.2.2021 the following order was passed :-

“Learned counsel for the petitioner has contended that the property in question, regarding which an agreement to sell had been entered between complainant - Amit Kumar Mittal and petitioner - Sanjay Gupta on 7.11.2013, is situated at village Livari, Tehsil and District Alwar, Rajasthan. A civil suit filed by the petitioner against Amit Kumar Mittal is pending before District and Sessions Judge, Alwar, which was filed on 11.3.2016, copy of which has been placed on record as Annexure P-2. Amit Kumar Mittal had lodged an FIR against the present petitioner with Police Station Kotwali Alwar, District Alwar, Rajasthan, bearing No. 438 dated 9.5.2017, for offence under Sections 193, 420, 467, 468, 471 IPC and High Court of Rajasthan, Bench at Jaipur, on a petition under Section 482 Cr.P.C., filed by the present petitioner seeking quashing of the FIR, vide order dated 6.9.2018, has directed the Investigating Officer to keep the proceedings in abeyance till decision of the civil suit by the Court of competent jurisdiction.

Nevertheless, the complainant by misusing his influence at Faridabad, has lodged a complaint on the basis of similar allegations with Economic Offences Wing, District Faridabad and the petitioner has been summoned by that Cell. The petitioner apprehends that on his appearance before the Economic Offences Wing, next week, he may be arrested.

Notice of motion.

At this stage, Mr. Tanuj Sharma, AAG, Haryana, has accepted notice on behalf of the State-respondents No. 1 to 3.

Mr. Manu R. Bhardwaj, Advocate, has put in appearance on behalf of respondent No.4 and accepted notice.

Let written response to the petition be filed by the next date of hearing, fixed as 22.4.2021.

In the meanwhile, it is directed that respondents no. 1 to 3 shall not take any coercive action against the petitioner, with regard to the dispute mentioned supra.”

Learned State Counsel on instructions from SI Ram Kumar submits that the petitioner has complied with the notice dated 22.1.2021. His custody is not required at this stage and in case need so arises, the petitioner would be given seven days advance notice.

In view of the above statement, no further directions are called for.

Petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

25th July, 2022
anuradha

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |