

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-10756-2022 (O&M)

Date of decision: 17.05.2022

Amit Raina

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. S. Randhawa, Advocate for
Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.209 dated 20.07.2020 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Division No.6, Jalandhar, District Jalandhar.

On 14.03.2022, the following order was passed:

“Counsel for the petitioner has argued that as per the allegations in the FIR, registered on the basis of an order dated 18.07.2020, passed by the Chief Judicial Magistrate (NRI), Jalandhar, in a complaint Jagjiwan Kaur, wherein it is alleged that M/s. Ansal Properties and Infrastructure Limited, has developed a Mall by the name ‘Ansal Highway Plaza’ and the father of the complainant purchased a shop in the name of the complainant and the allotment was given in the year 2005, which was duly signed by the accused Amit Raina, Deepak Sachdeva and Rajeev Chopra on behalf of M/s. Ansal Properties and Infrastructure Limited. It is further submitted that later on,

despite receiving the entire consideration, it was found that the Mall is lying locked and the shop is not given. It is also submitted that in fact, in the year 2005, the petitioner was not an employee of M/s. Ansal Properties and Infrastructure Limited and was an employee of Mahindra Gesco Developers Limited. It is also argued that one of the co-accused of the petitioner namely Rajeev Chopra has been granted the concession of anticipatory bail by the Court of Sessions and the petitioner was also granted the interim relief, however later on, his application was dismissed on 02 grounds. Firstly, he was declared proclaimed offender and secondly, he has not disclosed about his employment in the year 2005.

Counsel for the petitioner has also referred to the order dated 04.03.2022 passed in CRM-M No.9345 of 2022, vide which the Co-ordinate Bench of this Court has stayed the operation of the order dated 21.03.2021 passed by the trial Court, declaring the petitioner as proclaimed offender. It is also submitted that since the petitioner was not an employee of M/s. Ansal Properties and Infrastructure Limited and he was an employee of a different firm I.e Mahindra Gesco Developers Limited, as noticed above, there was no occasion for dismissal of his anticipatory bail application. Lastly, it is submitted that the petitioner was appointed in M/s. Ansal Properties Infrastructure Limited, which is a different firm then M/s. Ansal Township and Land Development Limited, which has given the allotment letter.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and has not disputed the factual position.

List again on 17.05.2022.

In the meantime, the petitioner is directed to appear

before the trial Court within a period of 20 days from today and the trial Court will release the petitioner on interim bail subject to his furnishing fresh bail/surety bonds.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 14.03.2022, has already appeared before the trial Court and he has been released on interim bail, vide order dated 25.03.2022 passed by the trial Court.

Learned counsel for the State, on instructions from ASI Harpal, has not disputed the factual position.

In view of the above, the present petition is allowed and order dated 14.03.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

17.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No