

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11476-2022

Date of Decision: 07.05.2022

Ankit Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amandeep Singh Samra, Advocate
Mr. Alok Mittal, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.789 of 2021 dated 24.11.2021 (Annexure P-1), registered under Sections 406, 420, 34 and 120-B IPC at Police Station HTM, Hisar.

2. The brief facts of the case are that the present case was registered on the complaint of Seema Chahal wife of Naresh Chahal against Raj Darbar Buildcon Private Ltd. through Authorised person, Vasu Garg, CEO, Pyush Goyal, Director and Ankit Sharma, Sales Manager alleging therein that on 24.02.2021, she booked a plot/flat No.500 (4th Floor) in Raj Darbar Buildcon Pvt. Ltd. She made payment of booking amount Rs.1 lakh through cheque No.000003 dated 24.02.2021 and Rs.14 lakhs in cash to Ankit Sharma, through Vinod Sharma of Shanti Properties and its receipt was obtained. Other officials namely Rajiv and Ramesh were also present in the office at that time. She was assured that construction of flat would start in March, 2021.

Later on when she visited the office of said Society, she was told that neither any plot was booked in her name nor have they received any amount from her. The accused persons cheated her and misappropriated her amount. Upon this the present case was registered at Police Station HTM, Hisar.

3. Subsequent to the registration of the FIR, the petitioner was arrested and his disclosure statement recorded that he was serving as a Senior Sales Manager in the Company and the complainant had booked a plot in their Society. A sum of Rs.1 lakh through cheque and Rs.14 lakhs in cash was received from the complainant out of which he had kept Rs.50,000/- and Rs.50,000/- was given to Vinod Sharma the dealer. The remaining Rs.13 lakhs was given to Pyush Goyal, Director through one Rajiv Arora. Due to the increasing rates of flats, Pyush Goyal, Director had refused to allot the plots to the persons who had purchased the same earlier.

4. The learned counsel for the petitioner submits that the allegations do not disclose the commission of any criminal offence and the allegation of non-delivery of a flat under an agreement to sell is a dispute, which is of purely civil nature. He further claims that there is no evidence of a sum of Rs.14 lakhs being paid in cash and as per the provisions of the Income Tax Act, no person shall receive an amount of more than Rs.2 lakhs by cash. It was further contended that the petitioner was working as a Sales Manager with accused No.1-Company and unlike accused No.2 who is the CEO and accused No.3 who is the Director of accused No.1-Company, the role of the petitioner was limited for the purposes of sale of Company plots/flats and he had no

management control. He contends that the petitioner has been in custody since 24.02.2022 and the challan already stands submitted and therefore his further incarceration is not required.

5. On the other hand, the learned State counsel contends that such kind of offences are on the rise. A huge amount was received by the Company but the flat has not been provided to the complainant till date and nor has any amount being refunded to her. The investigation qua the other accused is still pending and therefore, if the petitioner is granted the concession of regular bail, he may tamper with the evidence or abscond from trial. It is also contended that there is another FIR No.168 dated 22.07.2021 registered under Sections 420, 408, 467, 468, 471, 120-B IPC registered against him.

6. I have heard the rival contentions of both the parties.

7. As per the case of the prosecution itself, the petitioner was a Senior Sales Manager with the Company of which one Pyush Goyal is said to be the Director. Even as per his own confessional statement, the petitioner has received a sum of Rs.50,000/-. In the other cases registered against him, the petitioner is on bail.

8. Admittedly, the petitioner has been in custody since 24.02.2022 and the challan in the present case qua the petitioner already stands filed. Therefore, his further incarceration is not required.

9. Thus, without advertting to the merits of the case lest it prejudices either side, I deem it appropriate to enlarge the petitioner on regular bail.

10. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,
concerned.

(JASJIT SINGH BEDI)
JUDGE

07.05.2022
JITESH

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No