

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

CRM-M-13162-2022 (O&M)
Date of Decision:- 18.8.2022

Amir Husain

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Jigyasa Tanwar, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Pradeep Virk, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0034, dated 04.02.2019, Police Station Sohana, SAS Nagar Mohali, under Sections 406, 420, 120-B IPC.
2. The FIR was lodged at the instance of Yadwinder Singh Cheema wherein it is alleged that he had booked an apartment in IREO City, Sector 99, Mohali and had paid all the instalments during the period 2011 to 2014, but despite having been assured possession of the same, he had not been delivered possession and nor the amount paid by him to the tune of Rs.63 lakhs is being returned.
3. Learned counsel for the petitioner has submitted that the petitioner was merely a "Sales Head" working for IREO City and that it is the

Directors of the company who could be said to be the real beneficiaries in case any fraud had been committed. Learned counsel has further submitted that in any case co-accused i.e. Anupam Nagalia who is a Director of the company has already been granted anticipatory bail by this Court and in these circumstances the petitioner who was merely an employee of the company working in sales department also deserves the same concession on the grounds of parity.

4. Learned State counsel has not disputed the fact that co-accused Anupam Nagalia who is a Director of the company has already been granted bail. However, it has been submitted that since it is pursuant to the persuasive convincing done by the sales personnel that the innocent investors/persons are made to shell out huge money on the pretext of setting them flats/properties, the role of the petitioner cannot be undermined and rather it is evident that he was part and parcel of the entire conspiracy. Learned State counsel has however, informed that the petitioner pursuant to interim directions has joined investigation and is not required for custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has already joined investigation and is not required for any custodial interrogation and while also noticing that a Director of the company who would be the prime accused has already been granted bail, the petition merits acceptance and is accepted and the interim directions issued by this Court vide order dated 08.4.2022 are hereby made absolute subject to

the condition that the petitioner 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.

18.8.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No