

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

CRM-M-14959-2020

Date of decision: 18.02.2022

Manoj Kumar Gupta

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Abhishek Sanghi, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Roopak Bansal, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.177 dated 18.05.2016, registered at Police Station Kundli, District Sonapat, under Sections 120-B, 419, 420, 467, 468 and 471 IPC.

As per the prosecution version, the main allegation against the petitioner is that he availed 'corporate financial assistance' from the complainant and his companies, but had failed to repay the amount. It is also alleged that when the petitioner could not repay the amount, the petitioner promised to enter into an agreement for sale of the property at Karol Bagh, New Delhi, but could not execute the same; that the petitioner has induced the complainant to part with the amount of Rs.5,17,00,000/-, and that the said property belongs to the Delhi Development Authority and that the petitioner and his family had illegal possession over the same for about 50 years.

Learned counsel for the petitioner contends that the alleged original agreement has never been produced by the complainant; that there was no inducement or fraud played upon the complainant for him to part with the financial assistance; that earlier, the complaint filed by the complainant was filed by the police being a civil dispute; that instead of seeking proper remedy before the appropriate forum, the complainant has deliberately and willingly got the present FIR registered in order to rope the entire family of the petitioner; that co-accused, namely, Maya Gupta stands released on anticipatory bail by this Court, vide order dated 23.11.2021 passed in CRM-M-30795-2018; that the challan stands presented and that the petitioner has been in custody since 09.02.2018.

Additionally, it is submitted that the dispute between the parties was referred to the Arbitrator and in this regard, an Award dated 16.01.2017 has been passed.

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, vehemently controverts the aforesaid submissions made by the learned counsel for the petitioner. It is contended that the mode and mechanism adopted by the accused, including the petitioner, clearly speaks volumes of their criminal culpability and thus, the petitioner cannot seek any benefit on the ground that the dispute is allegedly civil in nature. Moreover, the petitioner stands convicted in four other cases.

I have heard the learned counsel for the parties.

Indisputably, co-accused Maya Gupta stands released on anticipatory bail. The challan stands presented. The petitioner has been in custody since 09.02.2018. No further custodial interrogation of the

petitioner is required. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

18.02.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No