

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

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**CRM-M-22683-2022
Date of decision: 08.08.2022**

ROSHAN KUMAR DAS

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Deepak Kumar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 is for transfer of FIR No. 223 dated 21.04.2019 under Sections 420, 406, 120-B of the Indian Penal Code, 1860 registered at Police Station, Central Faridabad, District Faridabad to CBI or any other Investigating Agency.

2. Pursuant to the interim order passed by this Court, a Status report filed by way of affidavit of Assistant Commissioner of Police, Central Faridabad on behalf of respondents No.1 to 4, the relevant extract of the aforesaid report is reproduced hereinafter below:

“5. That on 18.03.2020, Rajkumar, Tannu Sharma and Sandeep Dutt Sharma had joined in investigation and record pertaining to case were got verified and the role of respondent no. 5 to 7 was probed thoroughly by the investigating officer as well as by the then Assistant Commissioner of Police but nothing found incriminating against them. In fact it was found that the piece of land (i.e 192 square yards) which the complainant had purchased

from M/s Earth Build Mart Pvt. Ltd is totally different from the land purchased by respondent no. 5 to 7. As such, no incriminating evidence found against the respondent no. 5 to 7 in this case. Consequently respondent no. 5 to 7 were exonerated and absolved from all the charges.

6. That now Hari Mohan Sharma son of Ram Gopal Sharma Director of M/s Earth Build Mart Pvt. Ltd. who is absconding, yet to join in investigation and to be arrested. The respondent No. 8 namely Hari Mohan Sharma who is the director of M/s Earth Build Mart Pvt. Ltd. could not been arrested by police despite of sincere efforts. Warrant of arrest of Hari Mohan Sharma was got issued from Ld. Trial Court but the accused is evading his arrest. The Final Investigation Report qua respondent No. 8, declaring him, "Proclaimed Offender" has been submitted in Ld. Trial Court on 04.06.2022. Trial in this case would be started when the accused will be arrested.

7. That the Ld. Trial Court has issued direction to the SHO Police Station Central, Faridabad to file list of property of accused M/s Earth Buildmart Pvt. Ltd., Director/Operator Hari Mohan Sharma son of Ram Gopal Sharma on 11.07.2022 for initiation of proceedings u/s 83 CrPC.

8. That the petitioner has also filed a Civil Suit for Specific Performance against M/s Earth Build Mart Pvt. Ltd. which is pending for adjudication before the Ld. Civil Judge, Faridabad for 25.07.2022.

9. That the investigation of this case is being conducted in accordance with law. The alleged accused person Hari Mohan Sharma, Director of M/s Earth Build Mart Pvt. Ltd. is absconding and yet to join the investigation. The investigation qua the company M/s Earth Build Mart Pvt. Ltd and its directors is still going on. If any involvement on their part is found in the case, a supplementary report would be submitted in the Trial

Court in accordance with law. However, a report under section 173 CrPC has been submitted on 04.06.2022 as Proclaimed Offender against accused Hari Mohan Sharma and remaining accused Raj Kumar Sharma, Tannu Sharma and Sandeep Dutt Sharma has been kept in Column No. 12.

10. That in the lights of the facts narrated above; it is clear that there is no substance in the present petition because sufficient evidence is not found against accused persons & challan U/s 173 CrPC. has already been given in the court hence present petition deserved to be dismissed.”

3. In view of the above, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to take recourse to the alternative remedy available to him in accordance with law.

Dismissed as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 08, 2022

Vishal sharma

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