

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

CRM-M-28273 of 2022 (O&M)

DECIDED ON: 9th September, 2022

Sandeep Pahwa

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Raju Arora, Advocate for petitioner.

Mr. Arun Luthra, DAG Punjab.

Mr. Karnesh Gupta, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This petition is filed for grant of anticipatory bail in case of FIR No. 64 dated 26.3.2021, under Sections 420, 120-B IPC, registered at Police Station Model Town, Ludhiana, Punjab.

Vide order dated 9.8.2022, the petitioner was granted interim anticipatory bail subject to joining investigation, by passing the following order:-

"This petition is filed seeking anticipatory bail in FIR No. 64 dated 26.3.2021, under Sections 420, 120-B IPC, registered at Police Station Model Town, Ludhiana.

The FIR was at the instance of Gurpreet Singh Anand. As per the allegations, he booked one BHK flat and a shop-cum-office in Casa Italia, Noida. The payments were made to the team head of M/s Growth Infinty. Major payments were made in cash. The project was being developed by M/s Som Resorts Pvt. Ltd. and M/s Cosmic Structures Ltd. The petitioner is Director in M/s Som Resorts Pvt. Ltd. The grievance raised was that neither possession of the flat was given nor money returned.

Learned counsel for the petitioner submits that taking the case of the complainant at the highest, no payment was made to the petitioner, he is a Director in a Company and the dispute is civil in nature.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. He submits that the complainant was deprived of his money.

Though the complainant is not impleaded as party, Mr. J. S. Chatrath, Advocate puts in appearance on behalf of the complainant and opposes the prayer for grant of pre-arrest bail. He submits that the complainant's money should be recovered from the petitioner.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case and are made only for the purpose of deciding the bail petition.

The allegations have pre-dominant tone and tenor of civil dispute. As per the allegations, no amount was paid to the petitioner. Liability of the petitioner would be a debatable issue considering that he is a Director. *Prima facie*, no case is made out for custody of the petitioner as for the recovery of disputed amount, the custody cannot be asked for.

Considering the facts and circumstances in totality the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 9.9.2022."

Learned State counsel on instructions from HC Jitender Kumar submits that the petitioner has joined investigation and is lending co-operation.

Mr. Karnesh Gupta, Advocate, appears for complainant and opposes the prayer and submits that number of persons are affected by the act and conduct of M/s Som Resorts Pvt. Ltd.

Considering that the petitioner has joined investigation and his custody is not required at this stage, the interim anticipatory bail granted is made absolute.

Disposed of accordingly.

Since the main case has been disposed of, the pending application, if any is rendered infructuous.

9th September, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>