

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-37158 of 2020
Date of Decision:21.12.2022

Kushagr Ansal and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashish Verma, Advocate, for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana

Mr. Prashant Singh Chauhan, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.52 dated 28.01.2020, under Sections 384, 406, 467, 468, 420 IPC, registered at Police Station Model Town, Rewari.

The present FIR came to be registered on the basis of a complaint made by the President, Residents' Welfare Association, Ansal Town, Model Town, Rewari by alleging that the company of which the petitioners are the directors has enhanced external development charges by playing a fraud upon the members of the Society by alleging that the same is in view of the notification issued by the State of Haryana. Thereafter, a dispute arose between the parties.

Learned counsel for the petitioners has submitted that this Court while issuing notice of motion on 11.11.2020 had granted interim bail to the petitioners and the matter was also sent to the Mediation Centre of this Court. He submitted that thereafter both the petitioners have joined the investigation and they have also cooperated with the investigation process but the mediation process had failed since the parties could not arrive at final settlement. He submitted that be that as it may there were total 525 allottees out of which 231 allottees had paid the enhanced external development charges and out of which 188 allottees have already been paid back the enhanced external development charges. However, 5 persons are yet to be paid the enhanced external development charges with interest @ 12% and the same is in the process to be paid and so far as the remaining 38 are concerned, the same are not traceable and the company has issued number of letters to them but they have not been communicated.

Learned counsel for the petitioners has submitted that he has specific instructions to state that whosoever person who was charged with enhanced external development charges and has not been paid back till date, will be paid back within a period of three months subject to the condition that the person should be eligible and available for the receipt of that amount.

Mr. Naveen Singh Panwar, learned DAG, Haryana has stated, on instructions from ASI Ajay Singh, that in pursuance of the order passed by this Court on 11.11.2020, both the petitioners have already joined the investigation and they have fully cooperated with the investigation process and their custodial interrogation is not required.

Mr. Prashant Singh Chauhan, Advocate appearing on behalf of the

Society-complainant has submitted that it is correct that some of the allottees have been paid back the amount by the company but qua them some of the cheques were dishonoured. He has submitted that he is ready and willing to furnish a list of those allottees who are eligible to receive the refund of enhanced external development charges with interest @ 12% to the company and he has submitted on instructions that according to the Society 102 persons are left subject to further clarification by the Society. He further submitted that the said list of those eligible persons who have still not been paid including the persons qua whom the cheques were dishonoured will be furnished to the company within a period of one month from today.

Learned counsel for the petitioners further submitted that in view of the aforesaid position, the company will pay the eligible persons regarding whom a list has been provided by the complainant within a further period of three months.

I have heard the learned counsel for the parties.

In view of the aforesaid factual position and the statements made by learned counsel for the parties and also considering the fact that both the petitioners have already joined investigation and as per the learned State counsel their custodial interrogation is not required, the present petition is allowed and the order dated 11.11.2020 is hereby made absolute.

Both the parties shall abide by the undertaking given to this Court.

(JASGURPREET SINGH PURI)
JUDGE

December 21, 2022

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