

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27956 of 2022(O&M)

Date of Decision: 26.05.2023

Vikas Chahal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Yowan Sharma, Advocate
For the petitioners.

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 505 dated 17.12.2021, registered under Sections 406 and 420 IPC at Police Station Sector-50, Gurugram.

2. The allegations in nutshell are that co-accused Naveen Chandola and his wife Yogita Chandola were running business of real estate under the name and style of AHI Housing, Gurugram. Both Naveen Chandola and his wife lured the complainant to make investment in their project and accordingly complainant gave Rs.17,50,000/- to them and at that time Naveen Chandola and his wife assured to provide flats to the complainant within next 12-15 months. However, thereafter the said two accused failed to provide any such flats and also refused to return the amount in question. During investigation Naveen Chandola and his wife

Yogita Chandola were arrested by the police. The name of the petitioner figured in the disclosure statement made by co-accused Naveen Chandola.

3. The counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case and he has nothing to do with the real estate business run by Naveen Chandola and his wife who are already arrested by the police. The counsel for the petitioner further submits that the petitioner has joined the investigation with the police in compliance of the previous order of interim bail.

4. The present petition is resisted by the State counsel who submits that the real estate business was run jointly by the petitioner, Naveen Chandola and Yogita Chandola and they all committed fraud and cheating with the complainant. However, the State counsel on instructions from ASI Dalbir Singh has not disputed that the petitioner has joined the investigation with the police and that main accused Naveen Chandola and Yogita Chandola are arrested by the police during the investigation of the case.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR which was registered against Naveen Chadola and Yogita Chandola. The name of the petitioner surfaced in the disclosure statement of co-accused Naveen Chandola and the same is subject matter of trial. The petitioner has joined the investigation with the police. In the given circumstances, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this stage.

7. Thus, without commenting on the merits of the case, the present petition is allowed and interim order dated 06.07.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

26.05.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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