

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1324-2024
Decided on : 11.01.2024

Jaspreet Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kanhiya Soni, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.81 dated 15.11.2023 under Sections 406 and 420 IPC registered at Police Station Singh Bhagwantpur District Rupnagar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and totally false allegations have been levelled in the FIR, which has been annexed as Annexure P-1, that he had played a fraud upon the complainant by luring her to purchase a plot in the colony, which was being developed by him on false promises that the colony was approved by PUDA and was to be developed as per conditions laid by it. Learned counsel submits that the petitioner was just one of the many Directors of the Company M/s Rising Star Infrastructure Pvt. Ltd. and furthermore, the sale deed pertaining to the plot in question, which had been purchased by the complainant, had

been executed by one of his partners, who too was a Director namely Surender Kumar. Learned counsel further submits that even otherwise, the dispute, if any, is of a civil nature and in case, the complainant is aggrieved, the only remedy available to her would be to approach the Consumer Forum for the redressal of her grievances. It has also been submitted that the colony in which the complainant had purchased the plot, could not be developed on account of the fact that subsequently some litigation ensued between the partners of the Company. It has still further been submitted that the petitioner had not received any amount from the money, which had been deposited by the complainant for the purchase of the plot as the said amount had been deposited in the account of the firm.

3. Mr. Vinay Puri, Advocate has put in appearance on behalf of the complainant and filed power of attorney in Court, which is taken on record. Learned counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned counsel submits that not only had the complainant been deprived of her hard earned money by the accused including the petitioner by cheating her and playing a fraud upon her but even thereafter, when the complainant asked for refund of her money, which had been deposited in the account of the Company i.e. M/s Rising Star Infrastructure Pvt. Ltd. (Colonizer), the petitioner had declined to refund the same.

4. Heard learned counsel and perused the relevant material on record.

5. As per the allegations levelled in the FIR in question, the complainant invested her money in M/s Rising Star Infrastructure Pvt. Ltd.; it has not been disputed by the petitioner that he was also a Director of the Company. The complainant was assured by the petitioner that the colony was a PUDA approved colony and all the necessary amenities as per the terms and conditions of PUDA would be provided to the complainant, however, despite the complainant having purchased 150 sq. yard plot at the rate of Rs.8500/- per square yard vide registered sale deed dated 25.03.2019 even the basic amenities had not been provided by the Colonizer; not only this, the possession of the plot was not delivered to the complainant, and whenever she made a demand for refund of the money, she was threatened with dire consequences by the petitioner.

6. Hence, keeping In view the serious allegations levelled against the petitioner, this Court does not deem it fit to extend the extra-ordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.01.2024
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(MANJARI NEHRU KAUL)
JUDGE

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