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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23736-2024

Date of Decision : 21.10.2024

Anubhav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Varun Lal, Advocate for
Mr. Vipul Joshi, Advocate
for the petitioner.

Mr. Anmol Malik, DAG Haryana

Mr. Abhimanyu Batra, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.76 dated 03.04.2017, under Sections 120-B, 406, 420, 467, 468, 471 IPC registered at Police Station Sector 56, Gurugram, Haryana, the petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

2. Succinct factual narrative relevant for the disposal of the instant petition is that a complaint was submitted by Anju-complainant alleging therein that her husband was working as Junior Warrant Officer in Air Force from 1983 to 2003. In December 2006, husband of the complainant came into contact with one Ishpal Bhardwaj, who represented himself as retired corporal from Indian Air Force. Ishpal Bhardwaj informed that he was developing a society in the name of Sunehra Apna Ghar and he offered one 3 BHK flat measuring 1440 square feet for



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a sum of Rs. 40 lacs. Initially 10% of the said amount i.e. Rs. 4 lacs was paid. Consequently, total amount Rs. 37,50,000/- had been deposited by the complainant. Share certificate, allotment letter and L Form were issued. However, even after lapse of 8-9 years, no construction work was started.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The FIR has been registered after an inordinate delay of almost 4 years from the date of commission of the offence alleged to have been committed by father of the accused. He further submits that the petitioner is 31 years of age and the police authorities are making the petitioner a scapegoat after the death of his father. The petitioner was 15 years of age at the time of alleged offence i.e. in the year 2008. Learned counsel further submits that the accused Ishpal died on 26.01.2019 and the proceedings qua him were dropped. He further submits that the police filed challan on 22.06.2020 and no such offence is made out against the petitioner, however, it was mentioned in the charge sheet that arrest of the petitioner and one Sh. Sandeep was yet to be effected and additional challan will be filed after the arrest. Learned counsel for the petitioner has placed reliance upon judgment passed in Criminal Appeal No. 1695 of 2009 titled as ***Md. Ibrahim and others vs. State of Bihar and another***, decided on 04.09.2009.

4. Per contra, learned State counsel submits that the accused Jagbir stated that the petitioner obtained around Rs. 74 lacs in the above mentioned account from around 16-17 persons on the pretext of giving flats in Sunehra Apna Ghar Society and further, the petitioner transferred Rs. 21 lacs from the said account to his personal account No. 2711924989 (Kotak Mahindra Bank). The

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proceeding books of the society in which he fraudulently notes the proceedings pertaining to the society. Accused Jagbir further stated that the allotment letter, possession letter, building plan, sanctioned plan, bye laws and other documents of the society were with the petitioner and by showing these documents, the petitioner obtained money from the victims in the above mentioned account no. 087088700000220 of the society. He further submits that the accused Jagbir was produced before learned trial Court on 31.08.2024 and his police remand was obtained for two days. The investigation of the present case is going on. The persons in whose accounts the money was transferred from the above mentioned account are also yet to be joined in the investigation.

5. He further submits that the role and evidence against the petitioner Anubhav in the present case is that he had got opened the account no. 087088700000220 in Yes Bank in the name of Sunehra Apna Ghar EWS Co-operative Group Housing Society Ltd. and made accused Jagbir as the signatory. The petitioner used to conduct the transactions in the account of Sunehra Apna Ghar EWS Co-operative Group Housing Society Ltd. and the mobile no. 9205725799 belonging to the petitioner was registered in the said account. The petitioner used to conduct net banking through the said mobile number Moreover, he had entered into a MOU dated 19.12.2020 with Deepak Kumar and Hemant Bhagat regarding plot no. 63, Sector-55, Gurugram total area 4003.5 sq. mtrs. regarding sale of Sunehra Apna Ghar Co-operative Group Housing Society for Rs. 50.20 crores and he had obtained Rs. 59,25,000/- through cash and cheque, whereas, the petitioner Anubhav was not having any right of selling the said society.

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6. Learned counsel for the complainant submits that after accused duped the husband of the complainant for Rs. 37.50 lacs the share certificate, allotment letter and L Form were issued. However, even after the lapse of 8-9 years, no construction took place at the site. He further submits that the investigation was initially conducted by SI Rajesh. During the course of investigation, the relevant record was collected and taken into police possession. On 20.05.2017, the production warrants of accused Ishpal Bhardwaj and Amit Kumar were issued by the learned Court. He further submits that the accused Ishpal Bhardwaj and Amit Kumar were arrested in the present case on 22.05.2017. Their disclosure statements were recorded and accused Ishpal Bhardwaj got recovered the relevant documents on 24.05.2017, which were taken into police possession.

7. Heard the rival submissions made by learned counsel for the parties and perused the record.

8. There are serious allegations leveled against the petitioner. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

9. The petition is dismissed.

21.10.2024

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**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No