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CRM-M-28379-2024 (O&M)
Decided on:04.07.2024

.... Petitioner

versus

.... Respondent

Present: Mr. Vishal Kalra, Advocate
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

Mr. Bharat Bhandari, Advocate with
Mr. Jai K. Bhardwaj, Advocate and
Mr. Sushil K. Bhardwaj, Advocate for the complainant.

Manjari Nehru Kaul, J. (Oral)

CRM-26246-2024

Application is allowed as prayed for.

CRM-M-26247-2024

Application is allowed as prayed for and documents (Annexures P-4 to P-7) are taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.94 dated 18.03.2024 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Shivaji Nagar, District Gurugram.



2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case along with other accused, for allegedly duping the complainant of more than Rs.5 crores by luring him to invest in an agricultural land. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been submitted that a bare perusal of the contents of the FIR reveal that the petitioner was neither named in the FIR nor any specific role had been attributed to him, and even otherwise there are significant inconsistencies and contradictions in the version put forth by the complainant. Moreover, there is an inordinate delay of almost six years in lodging the present FIR. Learned counsel has further submitted that the petitioner has been roped in as an accused only on the ground of his acquaintance with the main accused Pooja; the petitioner was in no manner beneficiary of the transaction in question as no amount of money was ever transferred by the complainant into the bank account of the petitioner. It has been further submitted that the complainant had previously also moved a complaint on the same allegations before the police, which was dismissed as it was found to be a dispute of civil nature. In support, learned counsel has drawn the attention of this Court to Annexure P-3.

3. Per contra, learned State counsel on instructions assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has been argued by the State counsel that there are serious allegations against the petitioner, who, in connivance with the co-accused Pooja duped the complainant of



more than Rs.5 crore. The petitioner was nominated based on the disclosure statement suffered by co-accused Pooja, who categorically stated that the petitioner was her business partner. During the course of investigation, it also came to light that the petitioner had mortgaged jewellery purchased by the prime accused Pooja for a loan of Rs. 8,21,900/-. Still further, the petitioner was a beneficiary of the transaction in question, as evidence had been collected wherein it stood reflected that more than Rs.73 lakhs was transferred into the bank account of the petitioner by the co-accused. It has also been submitted that the complainant had provided copies of cheques amounting to Rs.40 lakhs issued by none other than the petitioner in favour of the complainant, which were subsequently dishonoured. Learned State counsel submits that in view of the serious allegations levelled against the accused including the petitioner his custodial interrogation is required in order to unearth the entire modus operandi of the accused.

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

5. *Prime facie* there are serious allegations against the petitioner, who in connivance with co-accused duped the complainant to the tune of more than Rs.5 crores though he has been nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extra-ordinary concession of



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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.

04.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No