

2024:PHHC:152998



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M- 42276 of 2024 (O&M)
Date of Decision: 13.11.2024

Sanjeev Kumar		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vaneet Kumar Sharma, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Arav Gupta, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.74 dated 17.04.2024 registered under Sections 406, 420 and 506 of IPC at Police Station Barara, District Ambala.
2. The FIR in the present case was registered on the basis of the complaint filed by Sanjeev Kumar son of Phool Singh. He alleged

that Sanjeev Kumar, petitioner, Neha Rani, Rajesh Kumar, Satya Devi and Jasmer Singh had hatched a criminal conspiracy and cheated the complainant of Rs.1,50,000/-. They had told the complainant that they would give him a plot of 10 marlas and Rs. 1,50,000/- as bonus after every three months. The petitioner had invested a sum of Rs. 15,00,000/- to the company, namely, M/s Neha Enterprises Real Estate Pvt. Ltd. The complainant invested a sum of Rs. 15,00,000/-, but he was returned only 1.50 lacs and the accused did not give him money or plot etc., When the petitioner demanded his money back, he was threatened with dire consequences.

3. Learned counsel for the petitioner contends that the complainant has concealed material facts in the present case. The brother of the petitioner, namely, Rajesh Kumar had taken friendly loan from the complainant and out of that he had already returned Rs. 1.50 lacs to the complainant as there was no transaction between the parties. He further contends that the petitioner had no intention to cheat or defraud the complainant at all at any stage and the FIR has been got registered by the complainant, just to extort money from the petitioner and to use them as genuine to lodge the FIR against the petitioner and others. Learned counsel further contends that there was no evidence to connect the petitioner with the crime and his arrest will be a gross misuse of the process of the law.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of anticipatory bail.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the complainant has levelled serious allegations against the present petitioner. The petitioner himself had admitted that he was the Area Manager of M/s Neha Enterprises Real Estate Private Limited. In fact, the petitioner and his co-accused had cheated the complainant for a sum of Rs. 15 lacs. Even, when the complainant demanded his money back, the accused threatened to kill him. Still further, the Company, i.e., M/s Neha Enterprises Real Estate Private Limited, used to induce the people to invest their money and thereafter they used to cheat the people. Consequently, the custodial interrogation of the petitioner will be required in the present case.

7. Apart from that, the Investigating Officer has yet to ascertain “the number of accused, who were also involved with the petitioner”, to recover the money as well as the documentary evidence. Even otherwise, vide order dated 16.09.2024, the arrest of the petitioner was stayed, only for the limited extent of exploring the possibility of compromise between the parties.

9. Thus, finding no merits, the petition is ordered to be dismissed.
10. CRM 35688 of 2024 stands disposed off accordingly.

13.11.2024	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No