



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45901-2024
Date of Decision : **October 03, 2024**

Atul Arora

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Satish Garg, Advocate for the petitioner.
 Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J.

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.189 dated 13.7.2024, under Sections 420, 465, 468, 471 IPC, registered at Police Station Sadar Kharar, District SAS Nagar.
2. The instant FIR, has been registered on a complaint made by one Subhash Johar, wherein, he alleged that one Atul Arora, Amit Kumar Gupta and Madhu Gupta (present petitioner) duped him to the tune of Rs.30,50,000/- on the pretext of sale of booth nos. 15 and 28, situated at Luxurio Sukh Plaza, on Ludhiana-Chandigarh State Highway, BH-5, Bhago Majra Road, Near Toll Plaza, SAS Nagar, Mohali, however, neither, the possession of the said booths was delivered to the complainant, nor his money was returned.
3. Learned counsel for the petitioner in the asking for the relief (supra), submits that the petitioner is neither the beneficiary of the alleged transaction nor he was signatory to any documents. He further submits that

he has only introduced the complainant with the co-accused Amit Kumar Gupta. Finally, he submits that the petitioner has clean antecedents and, therefore, he may be granted the relief of pre-arrest bail.

4. Upon notice, the State has filed short reply by way of affidavit of Karan Singh Sandhu, PPS Deputy Superintendent of Police, Sub-Division Kharar-1, District SAS Nagar (Mohali) disclosing therein, the role of the present petitioner and the incriminating evidence as on date collected by the prosecution agency.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned and has gone through the entire case file and is of the view that the petitioner does not deserve the extra ordinary relief of pre-arrest bail.

6. From the perusal of FIR, it surfaced that the petitioner remained in association with the other co-accused and actively participated in duping the complainant on the pretext of sale of the said booths situated at Luxurio Sukh Plaza, on Ludhiana-Chandigarh State Highway, BH-5, Bhago Majra Road, Near Toll Plaza, SAS Nagar, Mohali. It is the petitioner, who introduced co-accused Amit Kumar Gupta and by mis-representing that he is the person, who is developing the above mentioned project and he convinced him to invest in the aforesaid project and he will get huge return on his investment within one year. Not only that, when the main co-accused failed to execute the sale-deed of the said booths in question in favour of the complainant, he got arranged a meeting with other co-accused Amit Kumar Gupta and Madhu Garg @ Madhu Gupta, who in the presence of the present petitioner issued two cheques amounting to Rs.30,50,000/-. A compromise was also effected inter-se the parties that too in writing, whereby, they admitted their guilty. However, subsequently, the cheque issued by the other co-accused were also dishonoured.

7. During investigation, it transpired that co-accused Amit Kumar Gupta, who represented himself as a proprietor of Gunjan Land Developers has no concern with Luxurio Sukh Sukh Plaza, therefore, the offences under Sections 465, 468, 471 IPC were also added in the instant FIR.

8. It is pertinent to mention here that the anticipatory bail application of co-accused, namely, Madhu Garg @ Madhu Gupta has already been dismissed by this Court vide order dated 9.9.2024 passed in CRM-M-38080-2024 and as per the reply filed by the respondent-State, both co-accused Amit Kumar Gupta and Madhu Gupta are not traceable till date.

9. In view of the above facts and circumstances and considering the antecedents of the petitioner and the specific role of the petitioner and the gravity of the offence, this Court is not inclined to grant the extra ordinary relief of anticipatory bail to the petitioner, therefore, the instant petition is **dismissed**.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only and the observations made hereinabove shall have no bearing upon the investigation or the trial.

11. All pending application(s) stand **disposed** of accordingly.

October 03, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No