



106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19354-2025
Date of Decision:07.04.2025

ARCHANA GUPTA AND ANOTHER

...Petitioners

Vs.

THE STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Vipul Aggarwal, Advocate and
Ms. Pooja Sareen, Advocate
for the petitioners

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No.515 dated 31.12.2024, Annexure P-1, under Section 420 of IPC, 1860 registered at Police Station Tehsil Camp Panipat, District Panipat.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“One complaint numbered 4198-SPR DT. 03.10.24 was received from the office of Superintendent of Police, Panipat, whose contents are as under- To the Superintendent of Police, District Panipat. Subject Regarding registration of FIR for fraud, forgery etc. Sir, that the applicants are the residents of Model Town, Panipat and Sh. Bhupinder Gupta son of Sh. Om Prakash Gupta (Mobile No. 7011074594), his son Sh. Arun Kumar Gupta son of Sh.Bhupinder Kumar Gupta (Mobile No. 98120-4609%, Sb. Arun Kumar Gupta's wife fimt. Arctiana Gupta (Mobile No. 999201020 we met the applicants and they said that they are owner of a plot situated on the side of Makhdumzadgan which is 3 Kanal 6 Maria



land Le. 1990 sq yards and this place had been given on rent to Shalini Gas Agency. The three persons assured that if we buy this property then they would get it vacated from Shalini Gas Agency and after taking the amount from us they would give us the possession by the agreed date and would execute the sale deed in our favour. 2. That we the applicants asked the above accused to show the papers of ownership of this property then they said that those papers are lying in the bank and as soon as we give them the advance amount then they would pay the bank loan amount and would show us the proof of ownership of this property so that after paying the full amount the sale deed can be executed. 3. That on repeated assurances of the aforesaid three applicants that Archana Gupta who is the wife of Arun Gupta son of accused Bhupinder Kumar Gupta, is the real owner and we would get the property vacated by the said date and possession would be given. Believing the words of the above accused, Archana Gupta executed an agreement on dated 01.09.2023 to sell this property, under which the applicants gave an amount of Rs 55 lakh to the accused Smt. Archana Gupta on the assurance of accused Bhupinder Gupta and his son Arun Gupta that Smt. Archana Gupta is the owner and occupant of this property, some amount was given through bank and some amount was given in cash. All the three accused assured that by dated 09.02.2024, they would get this property vacated and would execute the sale deed in the name of the applicants. 4 That the applicants repeatedly requested the accused to get the property vacated, but it had not been vacated till date. Thereafter the applicants inquired about the ownership of the property from the patwari etc. and it was found that this property was sold to some Sh. Kavish Aghi and Arun Gupta through an agreement dated 29.08.2003. Thereafter an agreement was made to sell this property to one Dimple Jain wife of Sh. Vijay Jain resident of House No. 361, Ward No. 4, Railway Road, Charkhi Dadri, Haryana and on the basis of her agreement, she again had agreed to sell this property to accused Smt. Archana Gupta. 5. That from the aforesaid facts it is proved that the three accused had deliberately deceived us by making us believe that the accused Smt. Archana Gupta is the owner and occupant of the plot and had defrauded us, the applicants, of Rs. 55 lakhs and by



writing a false statement in the agreement dated 01.09.2023 that the accused Archana Gupta is the purchaser of this property, they had succeeded in taking Rs. 55 lakhs from us by cheating and by telling lie. 6. That we the applicants repeatedly go to the accused to take the remaining amount from us and to get the sale deed executed in our favour but all these three accused make fun of us and say that from the first day these three accused had no intention of getting the sale deed executed in our favour and knowing that the accused Archana Gupta is not the owner and occupant of the plot, all the three had succeeded in causing us a loss of Rs.55 lakhs by giving false promises and this fraud is a well planned conspiracy and they had cheated us. So, you are requested to register a FIR against the aforesaid accused and to take the strictest legal action. I shall be highly thankful. Date Applicants I. Rohit Mahendiratta son of Radheshyam 2. Rajiv son of Shri Kawal Nain resident of No.A-49 Ansal Sushant City Panipat Mobile No. 9729101827. Today at the Police Station- Upon receiving the aforesaid complaint at the police station, from the contents of the compliant offence under Section 420 IPC was made out, upon which FIR No.515 dated 31.12.2024 under Section 420 IPC was registered. The copies of FIR were taken out through computer and the copy alongwith the original complaint was taken into custody by me the ASI for investigation. The remaining copies of the FIR are being sent to the Illaqa Magistrate and to the higher officials through dak. The FIR was registered in the CCTNS code of SHO and in the presence of ASI Shamsher 1521.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case as it is a case of civil liability and is given the color of criminal nature in collusion with the police officials. He further submits that no payment was made to the petitioners by the complainant and the agreement in dispute was executed on 01.09.2023 and the FIR got registered on 31.12.2024, after almost a year. Learned counsel for the



petitioners further contends that they are ready to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana, accepts notice on behalf of the State and Mr. Kunal Dawar, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama, which is taken on record. Learned State Counsel vehemently opposes the prayer for grant of concession of anticipatory bail to the petitioners stating that petitioners have cheated the complainant of Rs.55,00,000/-, therefore, prays for dismissal of the petition.

Learned counsel for the complainant also prays for dismissal of the petition stating that he has been duped of Rs.55,00,000/- by the petitioners.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for the parties, particularly to the effect that it is a case of civil liability and is given the color of criminal nature in collusion with the police officials. Moreover, the State Counsel is unable to produce any incriminating material against them for their custodial interrogation, hence, this Court finds no reason to deny the petitioners the concession of anticipatory bail, wherein the petitioners have bona fide intentions and are willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.



5. **Relief**

In the light of above, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioners does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.04.2025

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