

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37372-2025
Reserved on: 01.10.2025
Pronounced on: 27.10.2025

Varun Puri ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
Ms. Kashish Sahni, Advocate and
Mr. Jeevanjot Kang, Advocate
for the petitioner.

Mr. Atul Gaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
391	27.11.2018	Kherki Daula, District Gurugram	406, 420, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per status report, the petitioner has massive criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“3. That the facts leading to the registration of FIR aforementioned are that a written complaint was received from the Ld. Court of Magistrate moved by complainant Raman Gulati before the Ld. Court of Area Magistrate, Gurugram for registration of FIR, contents whereof are being reproduced herein under for the kind perusal and ready reference of this Hon'ble Court:
"IN THE COURT OF LD CHIEF METROPOLITAN MEGISTARTE, GURGAON DISTRICRT COURT COMPLAINT CASE /2017 IN THE MATTER OF RAMAN GULATI COMPLAINANT VERSUE UNIVERSAL BULIDWELL PVT LTD ORS ACCUSED PERSONS PS KHERKI DAULA GURGAON U/S 420, 406, 120-B IPC APPLICATION UNDER SECTION 156(3) R/W 190 OF THE CRPC 1973 ON BEHALF OF THE COMPLAINANT MOST RESPECTFULLY SHOWETH 1 That*

the captioned complaint is being filed on behalf of the applicant complainants pertaining to cognizable non bailable and continuing offences under section 420,406120 b IPC etc. being committed are a peace by the accused no 1 to 4 which requires immediate investigation 2. That the applicants/ complainant loving citizen currently residing at flat no b-608, plot 86, brothers apartment sector 55,gurgaon 122002 that the complainant has named 4 person as the accused in the captioned complaint namely accused no 1 M/S Universal Buildwell Put Ltd and shri Raman Puri managing director of accused company Varun Puri and Vikram Puri director and authorised signatory of the accused no.1 company it is pertinent to note that accused no 1 to 4 are also the promoters of the accused no. 1 company that the accused no 1 to 4 are the promoter director of accused company and are related to each other. Factual matrix a. That the complainant along with his wife Menu Gulati entered into an apartment buyer's agreement dated 20.09.2011 with accused no 1 company for buying flat no 1404, tower gat sector 82 Universal Aura, Gurgaon, Haryana the copy of apartment buyer's agreement dated 20.09.2011 annexed herewith as annexure c-1. B-that the accused persons in connivance with each other began collecting the booking amount and started raising subsequent demands even before obtaining building plan approval from DTCP. Haryana which is in gross violation of clause 7 of license no 51 of 2011 the builder had advertised the said project through a full page ad in the leading newspaper and also through property deer. W of license is contravention as per the terms and conditions (no. 07) of no. 51. Thus lured buying the the said license complainants into property without having any intention whatsoever to deliver the possession of the said property to the complainants but to usurp the money of the complainants, the complainant was allured from the advertisement of the accused persons and their company. The pictures and the projection about the said flat was drawn from those advertisement of the accused company and persons c. That with all malafide intention and hidden agenda of grabbing money from the allured purchaser, the accused persons/builder began demanding money under construction linked payment plan even prior to receiving NOC from MOEF as this violation was only with mens rea of cheating the innocent purchaser and grabbing their money in lieu of construction of the flat which accused persons/builder never intended to handover it is submitted that the accused persons/builder cannot begin to work prior to receiving the NOC fram MOEF, as it is in violation of clause-8 of the license and clause 17(vil) of BRIII d-that the accused company and other officials including accused no 2 to 4 misrepresented and concealed numerous facts from the complainant and other buyers which are as follows the accused no 1 company was required to pay rs 24,49,56,908/ as development charges and infrastructure statutory external development charges to the authority however the accused company total planned collectible amount from buyers rs 31,82,70,608 against actual collectible of rs 22.97.59,360/- the accused was therefore company misappropriated and swindled the sum of rs 8.85 crores from all the buyers including the complainant the accused company collected EDC but did not deposit the requisite amount with the authorities further the accused company has refused to refund the excess amount as charged

from buyers that the accused no 1 company has charged excess of around rs 100 per sq feet from each buyer including the complainant. If the accused no. 1 company unilaterally increased super area of the flat before completion of erection of super structure without any revision of building plans that as part of larger conspiracy to dupe all the buyers including the complainant the accused company plant to say some of nearly rs 39.5/- crore on this account non payment of this illegal demand culminated threat for cancellation of apartment thus many buyers including the complainant were arm twisted to pay such illegal charges based on increase in super area. lit the accused no 1 company collected 90% cost of the flat (approx) from the buyers including from the complainant till Jan 2015 even after collecting the majority of the amount from the buyers the construction of the project stopped for the past 26 years and the possession date elapsed in 2015 further the accused no 1 company at the behest of the accused number 2 to 4 have refused pay monthly delay compensation charge it is also pertinent to not as part of larger conspiracy to misappropriate funds the accused no 1 company at the behest of the accused number 2 to 4 raised demands for payments even before completing milestone as per construction linked plan. iv further the accused no.1 company has charged user charges for car parking space in basement @rs 2,50,000/- per parking space where is basement is far free area for parking and other facilities the accused no i company further has collected about rs 12.5/-crore as parking charges accuse no 1 company further has not included car parking/community building in free of cost common areas in brazen violation of BRIII. V-that the accused no 1 company also and concealed that misrepresented numerous facts about the project from the present complainant and the previous owners which assigned their interest in the shade property in the name of the complainant. 4. that the complainant has learned from various sources already numerous mattress are pending before the police and further the accused company along with accused number 2 to 4 are currently facing grave charges under section 120b.420.406 and 409 of the Indian penal code for activities connected with the siphoning off of funds. That the complainant has also learn that despite this situation the accused number 2 to 4 continue to market and sell the said properties at Gurgaon. 5- that the complainant verily believes that the accused builder company made false representation with respect to progress in construction, to all the buyers including the complainant in order to deceive them and extract money from them. The complainant also believes that the builder company had utilized the said money (received from the buyers) in some other investments/projects etc.. which in law, the builder is prohibited to do. That the complainant requests that an may be inquiry/investigation conducted in this regard and appropriate action and proceedings may be initiated against the accused builder company and its representatives. 6- that it is submitted that these accuse no 1 to 4 have and are money a history of illegally collecting money from innocent investors and duping them siphoning this somewhere else. The complainant has reason to believe that the same has been done with his money. 7- that it is submitted that there are hundreds of investors who have been similarly duped continuing to be duped by accused number 1 to 4 in this project 8-that it is submitted that the accused

number 2 to 4 are at the helm of a vast number of fictitious and shell companies including the accused no 1 company which constitutes a nebulous corporate veil that has been repeatedly used to cheat and defraud investors from all over the world and hard earned money of the buyers including the complainant has been siphoned off causing wrongful loss to these buyers including. The complainant and wrongful gains have been made by the accused no 1 to 4.9 therefore it is humbly submitted that the corporate veil is required to be lifted in order for a thorough police investigation to take place it is further submitted that no civilian agency such as the registrar of companies, ministry of corporate affairs etc., can be tasked with this probe as there is prima facie clear criminality evident from the facts. 10. many buyers including the complainant has forgone substantial interest gains as a result of misrepresentation, fraud and cheating on the part of the accused no 1 to 4. 11 it is unambiguously clear from the conduct of the accused builder company and its officials that they were hand in glove and have aided and abetted in fraud cheating and criminal breach of trust it is also throughout clearly that the accused builder company and its official from the very beginning were not having the intention to deliver the position of the said apartment on time, this is also evident from the delay in possession and non-payment of the compensation in lieu of delay. 12- that the builder company has miserably failed to discharge its obligations under the agreement and further by deceiving and cheating the complainant have caused unlawful money from the gains to themselves and wrongful loss to the complainant the builder company with the connivance fraudulently and complainant the of its official has illegally siphoned accused builder company and its official have cheated the complaint buyers/consumers. and other 13-the accused company has stashed the funds received from the complainant in the accounts of accused no 2 to 4 and other persons, firms, companies controlled by owned and/or company or accused accused no 2 to 4 and their family members, relatives etc. In this way all the accused company and accused no 2 to 4 have defrauded the complainant and other universities of their hard earned money 14-that consequently the builder company and its official are liable to be punished under section 403.406 and 420 of the Indian penal code for their dishonest and mala fide the misrepresentation made to complainant from the very inception and thereafter deliberately default discharge in their obligations as promised under the agreement with ulterior motives and further siphoning off money which was meant for payment towards the compliments apartment for their illegal enrichment and for causing wrongful loss to the complainant 15-that it is further submitted that the inordinate and unexplained delay inordinate in delivery of possession of the aforesaid property despite the contract delivery date having elapsed at the refusal on the part of accused number 1 to 4 to pay monthly delay compensation charged despite several reminders is tantamount to cheating and fraud on their part. 16- that numerous including the complainant have suffered and continue to suffer great mental stress and agony well as grave economic losses on account of the monies. Which have been paid for the properties which is not yet possess. submits as under that the complainant had made a complaint to the SHO Ps Kherki Daula Gurgaon Haryana vide complaint dated 04.08.2017 but no action

against the accused persons has been initiated by the police officials till date the copy of the complaint made to the PS Khedki Daula dated 04.08.2017 is annexed herewith as annexure c2. 18-the complainant therefore prays for the kind intervention of this Hon'ble court seeking direction to the EOW to lodge an fir of cheating and criminal breach of trust, and to investigate this matter expeditiously. 19 that all the above facts leads to a prima facie conclusion of cheating and fraud on the part of accused no 1 to 4. 20 that as yet no fir has been lodged by the police in connection with the aforesaid complaint and no investigation has started in regard thereto 21- that this Hon'ble court has jurisdiction to grant the relief prayed for by the applicant. Prayer in light of aforementioned facts and circumstances most humbly prayed in that in the interest of justice, equity and fair play this Hon'ble court respectfully it may is to and a-allow this be pleased application and direct EOW cell, Gurgaon police lodge a fir against the accused number 1 to 4 under section 403,406,420 IPC and such other legal provisions as are attracted in the present case and conduct an experience investigation into the allegations. B- pass any such further order/ direction(s) that this Hon'ble court may deem fit and proper in the interest of justice. Complainant through sd/-Pawan Kumar Ray Advocate for the complainant.no4/19a.lgfjungpura b, New Delhi, 14 mob- 95457674, 08130136366 emailpanadv.14@gmail.com."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"15. That as per the investigation, the petitioner acting in league with the other Directors of M/s Universal Buildwell Pvt. Ltd. had indulged in misappropriation the act of cheating, and violation of the provisions of the (Haryana Development and Regulation of Urban Areas Act.) HDRUA Act. The petitioner's company had opened the booking for a project for which no license had been obtained. Accused company had received earnest money of innocent investors prior to obtaining the License and approval of building plans and thereby, depriving innocent people of their hard-earned money."

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 2 of the bail petition, the petitioner has been in custody since 07.03.2025. Per the custody certificate dated 29.09.2025, the petitioner's total custody in this FIR is 06 months and 23 days.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

11. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

13. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioner’s complying with the following terms.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this

bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

22. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

23. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.