



104/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8003-2025 (O&M)
Date of Decision:24.07.2025

SHIV SHANKAR JHA

...Petitioner

Vs.

STATE OF HARYANA AND ANR

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ramnish Puri, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.
Mr. Saurabh Dalal, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

1. On 13.02.2025, the following order was passed:

“1. Prayer in this petition, filed under Section 482 of BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of the First Information Report, as detailed here-under:-

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Shiv Shankar Jha	543	10.09.2024	420, 406, 120-B IPC (Section 467, 468, 471 IPC added later on)	Sector 10	Gurugram

2. At the outset, on oral request of counsel for the petitioner, complainant Kapoor Singh Dahiya, r/o B-901, BPTP Park, Serene, Sector 37-D, Gurugram (Hry.) is hereby impleaded as respondent No.2 in the array of respondents. Let amended memo of parties be filed in the registry within next three days.

3. In reference to the dispute, learned counsel for the petitioner inter alia contends that the Building Buyer Agreement has already been executed and the complainant/respondent No.2 has been given possession of both the flats, for which, he had applied

4. Notice of motion.

5. On advance notice, learned State counsel puts in appearance on behalf of the respondent State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.



6. *Adjourned to 12.03.2025.*
7. *Let respondent No.2 (complainant) be also served through dasti process.*

To be shown in the urgent list.

2. Again, on 12.03.2025, the following order was passed:

1. *Mr. Kamal Kumar Mor, Advocate, puts in appearance on behalf of the complainant, and files his vakalatnama in Court today, which is taken on record.*
2. *Allegations of the complainant is that for both flats, he was required to pay a total sum of Rs.2 crore 35 lacs. However, he claims that an excess amount of Rs. 30 lacs was paid, bringing the total sum received by the company, along with its representatives and agents, to Rs. 2 crore 65 lacs.*
3. *The Directors of the company namely Nitin Kapoor and Tushar Kumar have got anticipatory bail from the Court of Sessions, vide orders dated 29.10.2024 and 04.11.2024, respectively.*
4. *It is possible that on the next date of hearing, this Court may require a response from the Directors of the company. For this purpose, the orders dated 29.10.2024 and 04.11.2024, by which both the Directors were granted anticipatory bail by the Court of Sessions, may require re-examination by this Court, exercising its suo motu powers.*
5. *List again on 27.03.2025.*
To be shown in the urgent list.
6. *The concerned Investigating Officer is directed to inform both the Directors of the company about today's order passed by this Court.*
7. *It would be open for the Directors to be present before this Court on the next date of hearing, if they chose so.*
8. *In the meanwhile, arrest of the petitioner shall remain stayed.*
9. *It is made clear that the issue of joining of investigation of the petitioner would be examined on the next date of hearing.*

3. Counsel for the complainant today informs the Court that during the pendency of the instant anticipatory bail petition, Directors of the Company have transferred the title of both the flats in the name of respondent No.2-complainant and have also paid the disputed amount and the partial grouse on financial front has been settled. Therefore, the complainant has entered into compromise with both the Directors.



4. In view of the information given today by the counsel for the complainant, this Court does not find any substantial reason to continue the present petition as the petitioner is also ready to join the investigation before the investigating agency. Accordingly, prayer made in the present petition is **allowed** and the petitioner is directed to join the investigation within a period of two weeks from today, or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 482(2) of BNSS, 2023.

5. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

6. It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

7. Petition stands **disposed of** accordingly.

(SANJAY VASHISTH)
JUDGE

24.07.2025

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