

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

**S.B. Criminal Miscellaneous Bail Application No.  
11228/2020**

Chandra Prakash Arora S/o Late Shri Khanchand, R/o Plot No  
131 Sector-44 Gurgaon Haryana (At Present Lodged In Behror  
Jail Behror Dist. Alwar)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

**S.B. Criminal Miscellaneous Bail Application No.  
11218/2020**

Chandra Prakash Arora S/o Late Shri Khanchand, R/o Plot No  
131 Sector-44 Gurgaon Haryana (At Present Lodged In Behror  
Jail Behror Dist. Alwar)

----Petitioner

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----Respondent

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For Petitioner(s)	:	Mr. Pankaj Gupta with Mr. Gunjan Pathak, through VC
For Complainant(s)	:	Mr. Ashvin Garg, through VC
	:	Mr. R. K. Daga, through VC
For State	:	Mr. Deshraj Gosingha, PP

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**HON'BLE MR. JUSTICE PANKAJ BHANDARI**

**Judgment / Order**

**27/11/2020**

1. Petitioner has filed these bail applications under Section 439 of Cr.P.C.
2. F.I.R. No. 0384/2020 was registered at Police Station Behror, District Alwar for offence under Sections 406, 420 and 120-B of

I.P.C. and F.I.R. No.568/2019 registered at Police Station Neemrana, District Alwar for offence under Sections 406, 420 of I.P.C

3. It is contended by counsel for the petitioner that builder developer agreement took place between RIICO Developers and the complainant's grand-father as per FIR No. 568/2019. It is contended that as per the terms of the agreement, 36% super built up area was given to complainant's grand-father. Thereafter, a fresh supplementary agreement took place, in which the share of complainant's grand-father was reduced from 36% to 29%. It is contended that petitioner has built many flats and has raised construction upto 60%, but because of the Civil Suits filed by the land owner and the hurdles created by him, the construction could not be completed. It is contended that petitioner has spent more than Rs.20 crore on the project. He has paid Rs.2 Crore 65 lac by cheque to the land owner and the *pattas* were issued to him and the same was in the notice of the complainant.

4. It is also contended that there was an arbitration clause in the agreement. Petitioner has not cheated the land owner. The skeleton is ready for 680 flats which were to be built by the petitioner, but because of the hindrance and the rider by the Court while granting stay on alienation, petitioner could not complete the project. It is contended by counsel appearing for the land owner that petitioner has not opened an escrow account and siphoned the money in his wife's account, who is also a co-accused in this case. It is also contended that co-accused has been granted bail. Petitioner has suffered a heart attack and has

put stents in his heart. Conclusion of trial will take time. Offence is triable by First Class Magistrate. Petitioner has remained in custody for a period of four months.

5. Petitioner has placed reliance on **(2019) 10 SCC 800 "Satinder Singh Bhasin Vs Government (NCT of Delhi and Ors.)"**

6. Learned Public Prosecutor and counsel for the complainants have opposed these bail applications.

7. It is contended by counsel for the complainant that petitioner has obtained pattas of his land without even raising construction on 29% share of the land which belongs to the land owner. It is also contended that petitioner has taken money to the tune of Rs. 15 crores from 800 customers and many FIRs have been lodged against him including cheque dishonor complaint.

8. Counsel for the complainant in FIR No. **389/2019** contends that petitioner had booked two flats and had paid Rs.4 lac 70 thousand for the flats. the total price of which is to the tune of Rs. 40 lac. The construction has not been done and it has been delayed.

9. I have considered the contentions.

10. Considering the contentions put forth by counsel for the petitioner, I deem it proper to allow these bail applications.

11. These bail applications are accordingly allowed and it is directed that accused petitioner shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) together with two sureties in the sum of

Rs.50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the learned trial court with the stipulation that he shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

12. A copy of this order be placed in connected file.

(PANKAJ BHANDARI),J

Nikhil Kr. Yadav/42-43



सत्यमेव जयते