

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-16722 of 2015 (O&M)
Date of decision: October 05, 2015

Shri Manoj Kumar Jain & another ...Petitioners

Versus

State of Haryana & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Chadha, Advocate,
Mr. Adarsh Jain, Advocate and
Mr. Ashmeet Singh, Advocate for the petitioners.

Dr. Sushil Gautam, DAG, Haryana.
Inspector Narender Singh in person.

Mr. K.S. Dadwal, Advocate for respondent No.2.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioners under Sections 420, 467, 468, 471 IPC at Police Station Udyog Vihar, Gurgaon, vide FIR No.123 dated 9.4.2015.

Learned counsel for the petitioners submits that petitioners have nothing to do with the alleged offences and they have been implicated falsely in the present case. He submits that dispute between the parties is civil in nature. Thus, petitioners deserve concession of pre-arrest bail.

Prayer has been opposed by learned State counsel on the ground that allegations against the petitioners are serious and the

petitioner does not deserve the concession of pre-arrest bail. He (on instructions from Inspector Narender Singh who is present in court), however, submits that petitioner No.2 Seema Jain has joined the investigation and is no longer required for custodial interrogation. He, however, submits that petitioner No.1 Manoj Kumar did not cooperate the investigating agency in any manner and he has not handed over important documents for taking investigation to its logical end.

In view of above, the interim order dated July 27, 2015 is hereby made absolute qua petitioner No.2, subject to the conditions envisaged under Section 438 (2) Cr.P.C. The petition qua her stands allowed in aforesaid terms.

FIR was lodged on the complaint made by Ken Yukimori, Director of Japannies Company M/s Misumi India Private Limited, alleging that their company decided to set up a manufacturing unit in Gurgaon. For this they had logistics arrangements with M/s Deep Blue Express Private Limited. Manoj Kumar Jain petitioner represented that there is facility for warehousing in Gurgaon at Plot No.241, Udyog Vihar, Gurgaon and he induced the complainant's company to execute the agreement dated 1.12.2013, whereby M/s Deep Blue Express Pvt. Ltd. sub-leased the property in favour of complainant and Rs.75,88,800/- were deposited. On 17.1.2014, said company had shown a permission letter dated 27.1.2014 claiming that it had unconditional right to sub-lease the said property. It later transpired that the permission letter was fabricated. It is further alleged that M/s Deep Blue Express Pvt. Ltd. had no right to sub-lease the property. On further enquiry, it was found that the said firm

had already executed a lease agreement on 26.2.2014 with M/s Nirvan Agro Packaging Pvt. Ltd. On 21.3.2015, the landlord terminated the lease agreement of M/s Deep Blue Express Pvt. Ltd. on the ground that it had no right or authority to sub-lease the property and M/s Deep Blue Express Pvt. Ltd. had forged the permission letter.

Keeping in view nature of allegations, petitioner No.1 is not entitled to concession of pre-arrest bail. The amount of which complainant company has been duped, is yet to be recovered from the petitioner. Moreover, petitioner No.1 has not cooperated with the investigating agency. He has not handed over important documents required for taking investigation to its logical end. Thus, his custodial interrogation may be necessary. Petition qua petitioner No.1 is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

October 05, 2015
'Rajpal'