

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

Date of Decision:-10.09.2015

CRM-M No.29344 of 2015

Vimal Mahajan.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

2

CRM-M No.29693 of 2015

Sandeep Mahajan.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

3

CRM-M No.30179 of 2015

Vikrant Mahajan.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Manoj Kumar Sood, Advocate for the Petitioners
(all the three petitions).

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
along with Inspector Kanwarjit Singh.

Mr. Gurmohan Singh Bedi, Advocate for the Complainant.

JASWANT SINGH, J.(ORAL)

This common order shall dispose of all the aforesaid three petitions as they emerged out of the common FIR No.276 dated 12.08.2015 for offences punishable under Sections 406 & 420 of Indian Penal Code registered with Police Station Focal Point, Ludhiana.

In two petitions bearing **CRM-M No.29344 of 2015** titled as Vimal Mahajan Vs. State of Punjab & **CRM-M No.29693 of 2015** titled as Sandeep Mahajan Vs. State of Punjab notice of motion has already been issued, whereas in the third petition bearing **CRM-M No.30179 of 2015** titled as Vikrant Mahajan Vs. State of Punjab notice of motion has been issued today at the time of hearing and accepted by learned Counsel for the respondents.

The aforesaid petitioners Sandeep Mahajan and Vikrant Mahajan are brothers whereas Vimal Mahajan is their uncle(*Chacha*). All the three are partners in SPM Auto Pvt. Ltd., whereas in the other company M/s Sandeep Axels Pvt. Ltd., only the brothers are partners. The complainant M/s Sharu Steel Pvt. Ltd., Ludhiana used to supply Steel and Iron flats and rounds to the two companies for manufacture of spare parts for tractors. The aforesaid FIR has been lodged by the complainant with the allegations that they have supplied raw material worth Rs.34 lacs to M/s Sandeep Axels Pvt. Ltd., and inspite of lapse of nine months the payment has not been made. Now with the intention to cheat, an E-Mail has been sent with the averments that the raw material supplied was defective and, therefore, no payment is issued. During investigation, it has been found that

the dispute now being raised is regarding raw material worth almost crores supplied to the aforesaid two companies.

After hearing learned Counsel for the parties, it is apparent that the dispute is essentially of a civil nature, however, without going into the merits of the allegations, it is deemed appropriate to direct the petitioners to pay a sum of Rs.25 lacs without prejudice to their rights to be settled in a civil dispute between the parties. Needless to say the said amount if found due from the petitioners would be adjusted, as also if the complainant is held not entitled, he shall refund the same at the earliest in the light of the decision between the parties. The said amount shall be paid to the complainant within one month from today.

In view of the above and without commenting on the merits of the case, all the aforesaid three petitions are allowed and it is directed that they shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, they shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.

(JASWANT SINGH)
JUDGE

September 10, 2015
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