

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32446-2015 (O&M)

Date of Decision: December 14, 2015

Lalit Aggarwal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.A.K.Goyal, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Mr.Deepinder Ahlawat, Advocate
for the informant/complainant.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioner, Lalit Aggarwal,
son of Bhagirath Parshad Aggarwal, CEO of M/s M.Tech
Informatics Ltd., 5074, 5th Floor, DLF City Court, Near
Sikandarpur Metro Station, Phase-I, Gurgaon, who has been

booked for having committed the offences punishable under Sections 120-B, 406, 409, 420, 467, 468, 471 and 506 read with Section 34, IPC, in a case arising out of FIR No.239, dated 06.05.2015, registered at Police Station, City, Sonapat.

Learned counsel for the petitioner contends that even if the whole case of the prosecution is taken at its face value, then also it will disclose the liability of civil nature; that the dispute of a civil nature has been given the colour of a criminal case; that in compliance of the interim directions issued by this Court on different dates, the petitioner has joined the investigation and cooperated with the Investigating Agency; that the original agreements, Annexures P2 and P3, are not in possession of the petitioner; and that at the time of entering into an agreement, the said documents were handed over to the informant.

Learned counsel for the State very fairly concedes that in compliance of the interim directions, the petitioner did join the investigation and answered all the questions put up by the Investigating Officer, but the original documents, Annexures P2 and P3, which were allegedly in possession of the petitioner, have not been handed over by him to the Investigating Officer, therefore, the anticipatory bail petition of the petitioner be

dismissed on this score.

Learned counsel for the informant/complainant submits that the original documents are with the petitioner and that he has committed not only the cheating but criminal breach of trust also and, as such, he is not entitled to the concession of anticipatory bail.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

A perusal of the FIR and the other material available on record would reveal that the petitioner was CEO of M/s M.Tech Informatics Ltd., and during the course of business, the informant/complainant was appointed as a super distributor for distribution of the mobiles being assembled by the company to which the petitioner was CEO. During existence of the agreements, Annexures P2 and P3, there arose some misunderstanding between the parties, which resulted into registration of the present FIR.

Without going in details with regard to the merits of the case, lest it may prejudice the either party during investigation or trial, it is suffice to say that the dispute is prima

facie civil in nature. The petitioner has joined the investigation and the only thing pointed out by the learned counsel for the State is that the original documents, Annexures P2 and P3, have not been recovered from him (petitioner). The petitioner has specifically denied the possession of the original documents, Annexures P2 and P3.

In view of the totality of the facts and circumstances of the case, interim directions issued vide order dated 22.09.2015 are made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

December 14, 2015
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(NARESH KUMAR SANGHI)
JUDGE