

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

**CRM No.M-14833 of 2016 (O&M)
Date of Decision: 16.05.2016**

Sunil Aggarwal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sachit Kumar Sahijpal, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

Mr. Sandeep Suri, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Even though the present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.51 dated 22.02.2016, under Sections 420/120-B of Indian Penal Code, registered at Police Station Udyog Vihar, District Gurgaon yet counsel adverts to the order passed by the learned Additional Sessions Judge, Gurgaon dated 19.04.2016 at Annexure P-2 whereby benefit of bail has been declined by noticing the offence that had been added subsequently by the Investigating Agency i.e. under Sections 420/465/467/468/471/120-B IPC.

Accordingly, the prayer of the petitioner seeking benefit of bail is being considered and the present order is being passed in FIR No.51 dated 22.02.2016, under Sections 420/465/467/468/471/120-B IPC, registered at Police Station Udyog Vihar, Gurgaon.

Briefly, it may be noticed that the FIR in question came to be registered on the complaint of M/s Capri Global Capital Limited. As per complainant, the present petitioner as also his wife, namely, Mrs. Seema Aggarwal who are the Directors of M/s MG Impex Private Limited had approached the complainant company in the year 2014 for availing of two separate loans i.e. Rs.2,04,50,000/- and Rs.10 lacs against a property collateral. Allegations in a nutshell raised by the complainant firm/company is that the present petitioner and his wife have dishonestly and fraudulently represented to be the absolute owners of a residential flat bearing No.9467 situated at Sector 'C', Pocket 9, Vasant Kunj, New Delhi and has offered to facilitate sanctioning of the loan.

There is no dispute that the sanctioning of the loan was to the present petitioner/his wife, Mrs. Seema Aggarwal in the capacity of being Directors of M/s MG Impex Private Limited as also in their personal capacity.

Petitioner was arrested on 22.03.2016.

Court has been informed that the matter is still under investigation.

Counsel appearing for the petitioner would press the instant petition on the basis that after registration of the FIR, a proposal towards settlement of the dispute has been made to the complainant company and as per which part amount has been paid and the rest is to be paid over in installments within a stipulated time frame.

Learned counsel for the complainant company accepts

such factual position and has handed over a typed copy of an affidavit of the present petition containing the terms and conditions of the settlement, details of payment already made over and the outstanding amount and to be paid in monthly installments. The typed copy of the affidavit has also been perused by counsel appearing for the petitioner and who admits the correctness of the contents thereof.

Copy of the affidavit is taken on record as Mark 'A'.

In the light of such circumstances whereby the petitioner has made an attempt to settle the dispute, this Court, without making any observations on merits is inclined to grant to him the benefit of bail.

Petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

It is, however, made clear that if the terms and conditions as contained in the affidavit at Mark 'A' are not adhered to by the petitioner and even if there be a slight deviation therefrom, it would be open for the complainant company to seek cancellation of the benefit of bail being granted.

Disposed of.

16.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**