

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

(1) **CRM-M No. 3858 of 2015 (O&M)**
Date of Decision: 10.05.2016

Sita Nath Jena @ Seeta Nath Jena Petitioner

Versus

State of Haryana Respondent

AND

(2) **CRM-M No. 17446 of 2015 (O&M)**

Sanjeev Bahera Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Tejaswi Kumar, Advocate for
Mr. Arun Sharma, Advocate
for the petitioner **(in CRM-M No. 3858 of 2015)**

Mr. Virender Kumar, Advocate
for the petitioner **(in CRM-M No. 17446 of 2015).**

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Harbhajan Singh.

JASWANT SINGH, J.

CRM No. 9142 of 2015 in
CRM-M No. 3858 of 2015

Prayer in the application on behalf of the petitioner-Sita Nath Jena, is for placing on record the documents i.e. Gate Pass and Store Indent/Issue Voucher as **Annexure P-5 & P-6**, respectively.

For the reasons stated in the application, the same is allowed

and the documents **Annexure P-5 & P-6** are taken on record subject to all

just exceptions.

MAIN CASE(S)

This common order shall dispose of both the aforementioned petitions seeking pre-arrest bail emerging out of the same FIR.

The aforementioned two separate petitions under Section 438 Cr.P.C. have been filed by the petitioners, namely, Sita Nath Jena and Sanjeev Bahera, who are the Directors of the Company, namely, M/s. Samridhi Mines Private Limited, seeking pre-arrest bail in case FIR No. 745, dated 10.08.2014, under Sections 420, 406, 120-B, 467, 468, 471 of the Indian Penal Code, registered at Police Station City Karnal.

The case was registered on the basis of the statement given by the complainant-Ram Mehar son of Mohinder Singh. The allegations pertain to the offence of cheating as the complainant on different occasions had transferred huge amounts of money in favour of the accused by way of RTGS towards the scrap deal of copper, and instead of sending the copper scrap, the accused persons had delivered iron scrap, and further that the accused has also committed the offence of forgery.

In compliance of order dated 27.02.2015 passed by this Court, by way of miscellaneous application bearing CRM No. 9142 of 2015, the documents **Annexure P-5 & P-6** are sought to be placed on record, which are gate passes to set up a plea that the agreed material was supplied to the complainant. On 23.03.2015, on the request of counsel representing the State, the matter was adjourned for verification of the documents.

An affidavit in the aforesaid regard on behalf of DSP, City Karnal was filed on 08.05.2015, revealing the conduct of the

applicant/petitioner-Sita Nath Jena, who did not join the investigation after 23.03.2015 and failed to produce the original bills and documents relied upon by him. However, the investigations indicates that these documents are scanned copies of the invoices wherein the petitioner has changed the date, amount and vehicle numbers. Apparently, it is a case of manipulation of invoices which compelled for addition of offences punishable under Sections 467, 468 and 471 of the Indian Penal Code.

Learned counsel for the parties heard at length.

It has been pointed out by the State that although the petitioners had joined the investigation, however, their custodial interrogation would be required to complete the chain of the investigations due to their non-cooperation in the investigation, as also the result of the investigation so far. It is also pointed out that one of co-accused-Shyam Jaiswal has already been declared a proclaimed offender.

The verification made by the police reveals that the documents are manipulated and the conduct of the applicants/petitioners evading their cooperation with the investigation, renders them unfit for extraordinary concession of pre-arrest bail.

Petitioner-Sanjeev Bahera, no doubt was previously released on regular bail, but the subsequent incident of forgery needs to be investigated thoroughly, particularly when the prosecution has specifically added the accused with the aid of Section 120-B i.e. criminal conspiracy, thus, the position of co-accused-Sanjeev Bahera, would be on the same platform with the accused/petitioner-Sita Nath Jena as far as the offences of forgery are concerned.

Resultantly, there is absolutely no reason for extending the concession of pre-arrest bail to both the aforesaid accused persons.

Accordingly, both the petitions stand dismissed.

May 10, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE