

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

Criminal Misc.No.M-39864 of 2016 (O&M)
Date of Decision : 16th November, 2016

Ashok Sharma and others

..... Petitioners

Versus

State of Haryana and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Promila Nain, Advocate,
for the petitioners.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for the respondent(s)-State.

Mr. Ashwani Gaur, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

The petitioners have preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.0664 dated 19.10.2016, registered at Police Station Samalkha, District Panipat, under Sections 406, 420, 506, 34 IPC.

As per the allegations, the petitioners had palmed off an old machine as a new machine.

Learned counsel for the petitioners has argued that this FIR has been lodged after more than one year of the delivery of machine.

Mr. Prateek Gupta, Advocate has also entered appearance and

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states that the purchaser is a partnership firm and he represents two of the partners and actually this is a false case which has been foisted by the complainant, who is disgruntled partner and he wants to stop the production in the company.

Learned counsel for respondent No.2-complainant has vehemently argued that there is objective material on the record to show that infact the machine which was manufactured in the year 1999 has been palmed off as a machine manufactured in the year 2015. As regards the delay in lodging the FIR, he states that at one stage the petitioners had assured that they would replace the machine with the new machine and that was just a tactic and when the petitioners did not do the needful, he was constrained to lodge the FIR. The complainant has, however, accepted that two of the partners are not supporting him because they have been won over by the petitioners.

Learned counsel for the petitioners has countered the argument by stating that even in the last 1½ years, the complainant or anybody from the purchaser side did not make any complaint about the quality or the vintage of the machine.

Keeping in view the facts and circumstances and without commenting on the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners.

Accordingly, the instant petition stands allowed. The petitioners are directed to appear before the concerned Investigating Officer on 22.11.2016 or any other date as and when their presence is required. The Investigating Officer shall release them on interim bail to

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his/her satisfaction. However, the petitioners shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.

16th November, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No