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

CRM-M-13108 of 2017 (O&M)
Date of decision: 16.05.2017

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. L.S. Chahal, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Ashish Aggarwal, Sr. Advocate with
Ms. Aakriti Malik, Advocate and
Mr. Jagdish Manchanda, Advocate.
for the complainant.

Mr. Sharad Aggarwal, Advocate
for the complainant-Doon Valley Trust.

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**Jitendra Chauhan, J. (Oral)**

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 1279 dated 26.11.2016, registered under Sections 380, 420, 467, 468, 471 and 120-B of IPC, at Police Station City Karnal.

It is contended that petitioner has been falsely implicated in the instant case. There is no allegation in the FIR regarding embezzlement of funds since neither any bank transactions have been carried out nor any funds have been mishandled. No loss has been suffered by complainant-M/s Doon Valley Trust. Thus, the present FIR is an abuse of process of law. The petitioner was appointed as Director in the company by his father and thereafter, he was removed from the company on 10.12.2012. The petitioner has not forged the digital signature of complainant Nirmal Aggarwal (mother of petitioner) as alleged. He obtained the digital signatures in the year 2014 which were renewed for a period of two years i.e. from 13.04.2016 to 12.04.2018. In fact, the present FIR has been registered to put pressure upon the petitioner and his wife, co-accused Priya Darshani and to settle personal scores. The petitioner is behind bars since 23.02.2017.

On the other hand, the learned State counsel as well as learned counsel for the complainant oppose the bail application and state that petitioner in connivance with co-accused have forged the digital signatures of complainant Nirmal Aggarwal and embezzled a huge amount of the trust/company.

The learned counsel for the complainant-Doon Valley Trust states that no monetary loss has been suffered by the company.

Heard.

As per record, the company (earlier society) was formed by husband of the complainant, namely, Naresh Kumar Aggarwal, in the year 2001 and the petitioner was appointed as Director of the company by him. On 10.12.2012, the petitioner was removed from the company. After the death of Naresh Kumar Aggarwal (father of petitioner), complainant, namely, Nirmal Aggarwal was appointed as Director and her younger son, namely, Rohit Aggarwal was appointed as authorized signatory. As per the allegations, the petitioner was again appointed as Director in the company on 21.02.2013 and during that period, he committed theft of PAN card and other documents of the complainant in connivance with co-accused, namely, Jaipal Jain and Imtiaz Ahmed Siddiqui and handed over the same to his wife Priyan Darshni (co-accused). Further, it has come on record that the petitioner obtained the forged digital signatures of the complainant and on the basis of these forged documents, the petitioner appointed his wife/co-accused as Addl. Director in the company, took over the financial management of the company and in this manner, the petitioner in conspiracy with co-accused has committed fraud with the company.

Keeping in view the serious nature of allegations including the forgery of digital signatures, theft of pan card and the specific allegation that the petitioner has actively participated and is the beneficiary in the process, this Court feels that it is a fit case where custodial interrogation of the petitioners is required to find out his modus operandi. No case for pre-arrest bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

16.05.2017 **(JITENDRA CHAUHAN)**
*sumit.k* **JUDGE**

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|---|---|---|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable : | Yes | No |