

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

**Crl. Misc. No.M-21756 of 2017 (O&M)
Date of Decision: August 04, 2017**

Suresh Kumar Sharma

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Geeta Singhwal, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl.A.G. Haryana.

Mr. Rakesh Dhiman, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.598 dated 31.12.2015 registered for the offences punishable under Sections 420, 467, 468 read with Section 120-B of Indian Penal Code at Police Station Badshahpur, District Gurugram.

Heard.

Learned State counsel on instructions from DSP Mahavir Singh submits that petitioner has joined the investigation, but the police has yet to take in possession original agreement, copy of which was produced in civil suit, where Vikram Electric Equipment Pvt. Ltd. sought recovery of ₹2,64,51,156/- by interpolating the figure of ₹1 crore to ₹2 crore. It is submitted that the plaintiffs in that suit have sought permission from the court to prove that agreement by leading secondary evidence on the plea

that original agreement has been lost and the permission was allowed. Against that order of the Court, the complainant has filed revision before this Court and the matter is still pending and the order of the lower court has been stayed.

The plaintiff, who has filed the civil suit based on agreement dated 29.07.2006 is alleging the loss of document and is seeking permission to prove the same by way of secondary evidence. In such eventuality, he cannot be expected to hand over original agreement to police. It is for the complainant/police to collect in proof of allegations levelled by the complainant.

In view of these facts, the submission by learned State counsel that original agreement is to be recovered from the petitioner carries no weight. Civil court is already seized of the matter in this regard. Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 22.06.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

August 04, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No