

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

(i) CRM No.M-41095 of 2017 (O&M)

Haji Aslam and others

...Petitioners

VERSUS

State of Haryana

...Respondent

(ii) CRM No.M-42457 of 2017 (O&M)

Mobin Kureshi and another

...Petitioners

VERSUS

State of Haryana

...Respondent

Date of Decision: December 07, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Cheema, Senior Advocate with
Mr.K.S.Nalwa, Advocate
for the petitioners.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Bipan Ghai, Senior Advocate with
Mr.Aditya Jain and Mr.Kanwajit S. Sidhu, Advocates
for the complainant.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as the
same have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.127 dated 17.03.2017 under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sector-55, Faridabad.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The perusal of the FIR shows that complainant-firm supplied scrap to factory M/s JMV Ispat Pvt. Ltd. and a sum of ₹2,03,59,267.61 is payable by the factory M/s JMV Ispat Pvt. Ltd. belonging to Haji Aslam. As per the allegations, this amount was not paid back and the accused promised to pay the amount after getting time again and again but amount was not paid. It is also in the FIR that some unknown person handed over a writing showing some mutual agreement between the parties. It is argued that some documents have been prepared by the accused side showing repayment of the amount, which are forged documents.

The perusal of the record shows that main dispute between the parties is regarding payment of amount for sale of scrap by the complainant to the accused. There is nothing in the FIR that from the very beginning, the intention of the accused was to cheat the complainant nor there is anything that they induced the complainant to part with the goods. No civil suit has been filed for recovery of the amount nor the documents have been used for showing repayment of the amount.

The petitioners have already joined the investigation. They are

them. The trial of the case will take long time. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioners are entitled to benefit of grant of anticipatory bail. Therefore, both the petitions are accepted. The order dated 02.11.2017 passed in CRM No.M-41095 of 2017 and order dated 10.11.2017 passed in CRM No.M-42457 of 2017 granting interim bail to the petitioners, are made absolute.

However, the above observations have been given only for the purpose of deciding the bail application and will not affect the merits of the case.

December 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No