IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7448 of 2017 (O&M)
Date of decision: 16.05.2017

Priya Darshni and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. Himmat S. Deol, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Sharad Aggarwal, Advocate
for respondent No.2-Doon Valley Trust.

Mr. Ashish Aggarwal, Sr. Advocate with
Ms. Aakriti Malik, Advocate and
Mr. Jagdish Manchanda, Advocate
for respondent No.3.

Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate for respondent No.3.

****

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory 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 petitioners have been falsely implicated in the instant case. There is no allegation of mishandling of funds against any of the petitioners. No loss has been suffered by the complainant-M/s Doon Valley Trust and the present FIR is an abuse of process of law.

Nothing is to be recovered from the petitioners and they are ready to join investigation.

On the other hand, the learned State counsel as well as learned counsel for respondent No.3 oppose the bail application and state that petitioners in connivance with co-accused have forged the digital signatures of complainant/respondent No.3 and embezzled a huge amount of trust/company.

The learned counsel for respondent No.2-Doon Valley Trust states that no loss has been suffered by the company.

Heard.

As per record, the company was formed by husband of the complainant/respondent No.3, namely, Naresh Kumar Aggarwal, in the year 2001. The husband of petitioner No.1, namely Mohit was appointed as Director of the company. Thereafter, on 26.05.2011, petitioner Nos. 2 & 3 were also appointed as Directors in the company. On 10.12.2012, main accused Mohit was removed from the company. After the death of her husband, complainant was appointed as Director and younger son of complainant, namely, Rohit Aggarwal was appointed as authorized signatory. As per the allegations, the main accused Mohit 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 in connivance with petitioner Nos. 2 & 3 and handed over the same to petitioner No.1. Further, he obtained forged digital signatures of respondent No.3 and on the basis of these forged documents, main accused Mohit appointed petitioner No.1 as Addl. Director in the company, took over the financial management of the company and in this manner, the petitioners in connivance with main accused have committed fraud with the company.

Keeping in view the serious nature of allegations including the forgery of digital signatures and the allegation of theft of pan card leading to taking of financial management by the petitioners and being the beneficiaries in the process, this Court feels that it is a fit case where custodial interrogation of the petitioners is required to find out their 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**

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