

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-21643-2018(O&M)

Date of decision: 28.05.2018

Vishal Gambhir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saurabh Bajaj, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No. 1279 dated 26.11.2016 (Annexure P-1) for offences under Sections 120-B, 380, 420, 467, 468, 471 of IPC, registered at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner submits that in fact, the dispute is between the family of co-accused Mohit Kumar Aggarwal and complainant-Nirmal Aggarwal and the petitioner has no direct role in the same, the allegation against the petitioner is that the petitioner has prepared application form by forging the digital signatures of the complainant while filing the Form DIR-12 before the Registrar of the Company. Counsel for the petitioner has placed on record the photocopy of the letter dated 23.12.2016 issued by the Registrar, informing that the said Form DIR-12 dated 26.04.2016 was marked as defective and was not accepted.

Counsel for the petitioner has further submitted that later on, no fresh form was ever submitted and except this, there is no other allegation against the petitioner.

Counsel for the petitioner further submits that the main accused Mahavir Aggarwal has already been granted concession of regular bail, vide order dated 02.02.2018, passed in CRM-M-2936-2018. The following order has been passed therein:

“Learned counsel for the petitioner submits that in fact, it was a family dispute which was given a colour of criminal litigation. It is further submitted that complainant-Nirmal Aggarwal has two sons, namely Mohit and Rohit. The petitioner has been involved in the present FIR on the disclosure of co-accused Mohit Kumar Aggarwal, who has already been granted regular bail by this Court vide order dated 02.06.2017 passed in CRM-M-21069 of 2017. It is further submitted that three other co-accused namely, Priya Darshni (daughter-in-law of the complainant), Jaipal Jain and Imtiaz Siddiqui have been granted the concession of anticipatory bail vide order dated 28.09.2017 passed in CRM-M-30160 of 2017.

Counsel for the petitioner further submits that even co-accused Mohit has got an FIR registered against the complainant and his brother Rohit and now, the matter has been compromised between the parties.

Learned counsel for the complainant has acknowledged that there is a compromise between the parties.

Learned State counsel, on instructions from SI Manoj Kumar, has not disputed the factual position that the petitioner was not named in the FIR and was not mentioned in the disclosure statement of Mohit that he has helped in procuring the digital signature of the complainant. It is further stated that the matter is at an initial stage and the petitioner is no more required for further investigation.

Without commenting on the merits of the case, considering the fact that one of the co-accused has been granted regular bail and three other co-accused have been granted anticipatory bail and the learned counsel for complainant has

acknowledged that there is a compromise between the parties and also in view of the fact that the petitioner is in judicial lock up since 11.12.2017 and is no more required for further custodial interrogation; the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail /surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.”

Learned State counsel, on instructions from SI Sartaj Singh, has not disputed the fact about the allegation against the petitioner as well as the fact that counsel appearing for the complainant-Nirmal Aggarwal in the aforesaid CRM-M-2936-2018 had submitted that the matter has already been compromise between the parties. It is further submitted that the petitioner is in judicial lock up since 18.04.2018 and he is no more required for further investigation.

Without commenting on the merits of the case, considering the fact that one of the co-accused has already been granted regular bail and three other co-accused have been granted anticipatory bail and also in view of the fact that there is a compromise between the parties as noticed in the order dated 02.02.2018 and the petitioner is in judicial lock up since 18.04.2018 and is no more required for further custodial interrogation; the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail /surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

28.05.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No