

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-22299-2018
Date of Decision: 26.10.2018

Girish Kumar AggarwallaPetitioner

VERSUS

State of HaryanaRespondent

2. CRM-M-27186-2018

Raunak AggarwalPetitioner

VERSUS

State of HaryanaRespondent

3. CRM-M-31358-2018

Ankit AggarwalPetitioner

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anurag Arora, Advocate
for Mr. Gautam Dutt, Advocate
for petitioners in CRM-M-22299 and CRM-M-27186 of 2018

Mr. Aalok Jagga, Advocate
for the petitioner in CRM-M-31358-2018.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Vinod Ghai, Sr. Advocate with
Mr. J.S. Mehndiratta, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Above captioned petitions have been filed under Section 438
Code of Criminal Procedure for grant of anticipatory bail to petitioners in
case FIR No.114 dated 27.04.2018 registered for offences punishable under

Sections 406/420 of Indian Penal Code, at Police Station Civil Lines Rohtak, District Rohtak.

Heard

Learned State counsel submits that petitioners in all the petitions have joined the investigation but their custodial interrogation is required to recover mobile phone of petitioner-Girish Kumar Aggarwalla (in CRM-M-22299-2018) through which messages were sent to Kamal Mittal.

As per allegations in the FIR, Kamal Mittal, dealer of Mittal Maruti Suzuki Showroom and Hero Motors apprised the complainant in the year 2014 that petitioners, who are dealers of Yuva Motors, Faridabad intended to sell their showroom as they were in need of money. A meeting of petitioners was arranged with complainant. Girdhari Lal Goyal, Finance Manager of petitioners also accompanied them. During the meeting at Rohtak, a deal was settled for sale of Yuva Motors, Faridabad for ₹9 crores. ₹25 lakhs were given to petitioners as earnest money, who kept on coming to Kamal Mittal from time to time and took ₹3,50,00,000/-. Petitioners apprised Kamal Mittal and complainant about the receipt of amount. After sometime complainant asked petitioners to execute an agreement at which they tried to put off the matter on the pretext that they being businessmen, complainant should have faith on them. Thereafter, Kamal Mittal remained in contact with petitioners on telephone and also sent messages to them (namely, Raunak Aggarwal and Girish Aggarwal), who were also responding to messages, details of which were attached with FIR. Thereafter, neither petitioners sold the showroom nor returned the amount of ₹3.75 crores taken by them from the complainant.

The deal allegedly was in the year 2014 and the present FIR has been registered in the year 2018.

Learned counsel for petitioners mainly stress on the issue that even if allegations in the FIR be believed, it is a civil dispute, which has been given colour of criminal dispute to twist the arms of petitioners. The case is based on oral evidence or mobile recording as alleged by prosecution for which custodial interrogation of petitioners is not required.

Learned counsel for petitioner-Girish Kumar Aggarwalla (in CRM-M-22299-2018) submits that the police may apprise the petitioner as to which mobile of petitioner is required and he will hand over the same to police.

Keeping in view above facts but without expressing any opinion on the merits of the case, these petitions are allowed and orders dated 23.05.2018, 05.07.2018 and 26.07.2018 passed in CRM-M-22299-2018, CRM-M-27186-2018 and CRM-M-31358-2018, respectively are made absolute till the presentation of challan, subject to the following terms:-

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

October 26, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No