

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

CRM-M-3452 of 2018 (O&M)

Date of decision: May 21, 2018

Manjit Prabhakar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajesh Kumar Dadwal, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

Mr. Surinder Garg, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 467, 468, 471 IPC at Police Station Sector 5, Panchkula, vide FIR No.0688 dated 25.12.2017.

FIR was registered on the complaint made by one Hitesh Garg, wherein he stated that he had been running a manufacturing unit since 2009 at village Kalu Thinda, District Solan (HP) under the name and style of M/s H.B. Enterprises. In order to expand his business, he entered into partnership with the petitioner. Said unit started production in May, 2016. Petitioner alongwith his sons Sidhant and Anshul started doing operations, such as purchase of raw material, production, management etc. Complainant in good faith was believing that accused had been running the business with honesty and integrity. He had also given a blank signed cheque book to the

petitioner so as to facilitate him to run the business. However, accused persons misused the said cheques by showing fictitious amounts against bogus purchases in order to misappropriate the amount and cheat the complainant. Thereafter, they closed the business in March, 2017 without informing the complainant and removed the Forming Dies etc. from the factory. When complaint asked them to show the accounts, accused made some excuse or the other. They also removed computer, account books, original sale-purchase invoices and other records.

Learned State counsel submits that allegations against the petitioner are serious and the investigating agency has to recover the forged memorandum of understanding dated 31.05.2016. He has referred to short reply by way of affidavit of Mukesh Kumar, Assistant Commissioner of Police, Panchkula. Paras 3 and 4 thereof read as under:-

“3. That there are serious allegations of forgery against the petitioner. Custodial interrogation of the petitioner is required to recover the forged memorandum of understanding dated 31.05.2016, which petitioner has used for filing complaints against the complainant before the Haryana police and Himachal Pradesh Police.

4. That keeping in view the gravity of offence petitioner does not deserve concession of bail. Therefore, it is prayed that bail application of the petitioner may kindly be dismissed.”

In view of the facts and circumstances of the case, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. His custodial interrogation may be absolutely necessary for taking the investigation to its logical end and to enable the investigating agency to

recover memorandum of understanding and other documents from the petitioner. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 21, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No