

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

CRM No.M-49527 of 2018 (O&M)
Date of Decision: November 26, 2018

N.R. Munjal

...Petitioner

VERSUS

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kanwaljit Singh, Senior Advocate with
Mr.Abhishek Bajaj, Advocate
for the petitioner.

Mr.Sukant Gupta, Addl. Public Prosecutor with
Mr.Ajay Jagga, Advocate
for the respondent-U.T. Chandigarh.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.03 dated 01.08.2018 under Sections 409, 420, 466, 468, 471, 120-B IPC and Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, registered at Police Station Vigilance, District Chandigarh.

Notice of motion was issued. Learned Addl. Public Prosecutor for the respondent-U.T. Chandigarh appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor and have gone through the record.

As per the FIR, the present petitioner is stated to be Director of

M/s Ind Swift Ltd. As per prosecution version, the order of assessment has been forged by showing assessment/penalty only to the extent of ₹5,000/- etc. whereas actual assessment is of ₹5.9 crores for the period 01.04.2011 to 30.06.2011. Then this forged order was produced before the Tribunal.

The argument of learned counsel for the petitioner is that the petitioner is not named in the FIR and he is a non-executive Director and is not taking part in the day-to-day affairs of the company. On the other hand, learned Addl. Public Prosecutor contested this fact and argued that as per documentary evidence collected by the Investigating Officer, petitioner was Incharge of day-to-day affairs and he was dealing with day-to-day affairs of the company. He further argued that even document Annexure P-4 shows that Vipin Mishra sent E-mail to the present petitioner asking for approval of ₹11,000/- to be deposited as per assessment order. This E-mail is also based on forged order. Annexure P-4 shows that Vipin Mishra is asking the present petitioner for approval, which means that it cannot be held that present petitioner was not doing day-to-day affairs or he was non-executive Director of the company.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence, I do not find it a fit case where petitioner is entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

November 26, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No