

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14892-2019

Date of decision: April 09, 2019

Adibul Alam Chowdhary

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mukesh Garg, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J.

Prayer made in this petition is for grant of anticipatory bail to the petitioner in FIR No.144 dated 9.3.2019 under Sections 420 and 120-B IPC registered at Police Station City Tohana, District Fatehabad.

Counsel for the petitioner submits that as per the allegations in the FIR, the complainant entered into an agreement with ETA General Company, Chennai (for short 'the Company') for the supply of air-conditioners and as per the agreement, the complainant was to pay Rs.7 Crores to the Company for the said purpose and the petitioner acted as a mediator between the complainant and the Company. Counsel for the petitioner further submits that the petitioner has no role with the dealing of the complainant with the Company. Counsel for the petitioner also submits that as per the FIR the goods supplied by the Company was of sub-standard quality and it was not in a working condition and, therefore, the complainant was cheated by the Company, hence the allegations are not against the petitioner.

Counsel for the petitioner submits that the complainant has given

the payment to the Company by way of cheque and, therefore, no offence under Section 420 Cr.P.C. is made out against the petitioner and no recovery is to be effected.

In reply, learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner acted as a Mediator between the complainant and the Company for purchase of air-conditioners for a sum of Rs.7 Crores. The total number of the air-conditioners were to be supplied by the Company were 5985 in number and the petitioner has received an amount of Rs.15 lacs, out of which Rs.5 lacs was deposited in his personal account and Rs.10 lacs in the account of the Company run by the petitioner. Therefore, the active participation of the petitioner is apparent.

Learned State counsel has further submitted that after cheating the complainant, the petitioner started threatening and black-mailing him and, therefore, the FIR has been registered as from the time when the agreement was entered between the complainant and the Company, the petitioner knew that they are alluring the complainant to part away with heavy amount knowingly that they will be supplying sub-standard goods to the complainant.

After hearing counsel for the parties and looking into the serious allegations against the petitioner, I find no ground to grant him the anticipatory bail.

Therefore, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

April 09, 2019
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Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No