

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M-37224 of 2019
Date of Decision: 30.10.2019

Anuj @ Tejvir Singh MaviPetitioner

Vs.

State of HaryanaRespondent

2) CRM-M-39248 of 2019

Jaivinder @ DevenderPetitioner

Vs.

State of HaryanaRespondent

3) CRM-M-43229 of 2019

PawanPetitioner

Vs.

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Manish Soni, Advocate,
for the petitioner in CRM-M-37224 of 2019.

Mr. Jai Vir Yadav, Advocate,
for the petitioners in CRM-M-39248 & 43229 of 2019.

Mr. Navdeep Singh, AAG, Haryana.

Mr. Vinod S. Bhardwaj, Advocate,
for the complainant.

CRM-M-37224 of 2019

The petitioner in this petition had sought the concession of anticipatory bail, he having been arraigned as an accused in FIR no.261 dated 04.08.2019, registered at Police Station Bhondsi, District Gurugram, for the alleged commission of offences punishable under Sections 406, 420, 264 of the IPC read with Section 120-B of the IPC, the allegation against him and his co-accused being that they, by method of installing a chip in the weigh-bridge on the premises of the complainant, controlled such chip by way of a remote control, so as to show lesser weight of the scrap being purchased by one Sai Trading Company, under a contract with the complainant company, whereas the weight of the scrap was far more than was showing on the weigh-bridge.

After notice of motion had been issued on 05.09.2019, with the petitioner not admitted to interim bail at that stage, learned State counsel assisted by an employee of the complainant company (Col. (Rtd.) Sandeep Dutta), had made submissions the essence of which has been recorded hereinabove, with regard to the nature of the offence.

Learned counsel for the petitioner, on the other hand, had submitted that the petitioner was only the person who had got the complainant company introduced to the company/firm that was buying the scrap, i.e. one M/s Sai Trading Company, Mandoli; and he in any case therefore was not involved in the commission of any offences, a contract having been entered into between the two companies/firms with each other one year earlier.

On that contention raised, the petitioner had been directed to join investigation, with it further directed that if he was sought to be arrested, he would be released on bail to the satisfaction of the arresting officer/Illaq Magistrate, till the next date of hearing in the case, i.e. till today.

Today, learned State counsel has produced the police file, containing therein a photocopy of a letter pad carrying the name of Sai Trading Company, Mandoli Extension, Delhi, dated 08.05.2019. He points out that on the said letter pad, the petitioner, i.e. Anuj Kumar, made an application to the Purchase Manager of Central Park, Sohna Road, Gurgaon (in Hindi), to the effect that he was willing to purchase steel scrap at different rates (for different kinds of scrap), also giving his mobile number in such application.

He as well as Mr. Bhardwaj, learned counsel appearing for the complainant, therefore both submit that the contention of the petitioner that he was only a 'go-between' qua the two companies/firms, pursuant to which a contract had been executed by them, is wholly a misleading statement; and further, that the petitioners' custodial interrogation is required because he is not divulging the methodology by which the chip was installed and the exact method by which it had been operated, as also where the scrap as was unaccounted for, was sold.

Learned counsel for the petitioner, on the other hand, submits that simply because the petitioner represented the firm for the purpose of entering into a deal (on behalf of the Sai Trading Company), does not mean that he was involved in any subsequent sale of scrap, for which a contract between the two firms/companies was entered into, and consequently, he cannot be held guilty of any such offence.

Learned State counsel, on query, in reply to that, submits that during investigation the petitioner has also (as per the investigating agency) admitted that he alongwith three other persons are actually partners in the Sai Trading Company, though it is shown to be a proprietorship firm.

Without making any comment on the actual merits of the case for or against the petitioner, in view of the above, I do not find ground enough to

continue the interim bail granted to the petitioner.

The petition is consequently dismissed and the interim order vacated.

In the event of the petitioner being arrested, and him filing any application/petition under the provisions of Section 439 of the Cr.P.C., naturally, that would be dealt with wholly on its own merits, regardless of what has been observed hereinabove in the context of anticipatory bail sought by him, with any such application to be decided by the trial court expeditiously.

CRM-M-39248 of 2019 &
CRM-M-43229 of 2019

As regards the petitioners in these two petitions, learned State counsel on instructions from the police official who is present in court to assist him, submits that the *challan* already having been presented against them, to the competent court, their custodial interrogation is not required.

That being so, the order passed in the case of petitioner Jaivinder @ Devender (in CRM-M-39248 of 2019), on September 26, 2019, is made absolute, with the petition accordingly disposed of.

As regards the petitioner in CRM-M-43229 of 2019 (Pawan), in view of the above, the petition is allowed and the petitioner is ordered to be admitted to bail to the satisfaction of the trial court.

October 30, 2019
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No.