

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

CRM-M-42427-2019

Date of Decision: 26.11.2019

Balak Ram Nehra

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.J.S.Bedi, Senior Advocate with
Mr.Anshuman Dalal, Advocate for the petitioner.
Mr.Manish Bansal, DAG, Haryana.
Mr.R.S.Rai, Senior Advocate with
Mr.Vinod S. Bhardwaj, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

CRM-36871-2019

Application is allowed. Documents i.e. Annexures P-9 to P-14 are permitted to be taken on record.

Main case

On 03.10.2019, following order was passed by this Court:-

“Petitioner prays for grant of pre-arrest bail in FIR No. 672 dated 27.8.2018 registered under Sections 406, 420, 120 IPC and Sections 467, 468, 471, 506 IPC (added later on) at Police Station Sector 7, Faridabad.

Learned counsel for the petitioner contends that petitioner who is a retiree alongwith co-accused had started a construction Company with the name of “Mansa Builders and Construction Private Limited”. Petitioner had share holdings to the extent of 20% which now stands reduced to 4%. The proceedings before the National Company Law Tribunal are pending. He further submits that the present petition is only to pressurize the petitioner.

Notice of motion.

On the asking of the Court, Mr. Manish Bansal, DAG, Haryana who is present in Court accepts notice on behalf of

State of Haryana and seeks time to get instructions.

Adjourned to 22.11.2019.

In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

This Court has heard learned senior counsels for the petitioner, the first informant and learned counsel for the State.

It is undisputed that the petitioner is a share holder to the extent of 4% in the construction company i.e. M/s Mansa Builders and Construction Private Limited.

On the one hand, learned senior counsel for the petitioner submits that in the books of accounts of the company, the petitioner had advanced a sum of Rs.3,68,25,000/- out of which he has withdrawn Rs.2,95,32,000/- and still Rs.72,93,000/- is due and payable.

On the other hand, learned senior counsel for the first informant submits that certain entries have been forged and amount has been withdrawn.

The aforesaid transactions are of the year 2017. FIR in question has been registered on 27.08.2018.

It is not disputed that the proceeding under Section 241 of the Companies Act initiated by the petitioner complaining oppression and mismanagement on the part of first informant and others is pending before the National Company Law Tribunal.

Keeping in view the facts of the case, this Court is of the considered opinion that interim order dated 03.10.2019, granting interim protection to the petitioner, is required to be made absolute. However, the petitioner shall remain bound to join the investigation as and when required.

Disposed of.

26.11.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No