

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

1. CRM-M-11908-2020 (O&M)
Date of decision : 07.09.2020

Chhatarpal Singh

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-12824-2020 (O&M)
Date of decision : 07.09.2020

Rakesh Sood

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate for the petitioner
(In both the petitions)

Mr. Chetan Sharma, AAG, Haryana.

Mr. Manoj Tanwar, Advocate for the first informant.

ANIL KSHETARPAL, J. (ORAL)

By this order, CRM-M-12824-2020 (Rakesh Sood Vs. State

of Haryana) and CRM-M-11908-2020 (Chhatarpal Singh Vs. State of Haryana), shall stand disposed of. Both these petitions have been filed under Section 438 Cr.P.C., for grant of pre-arrest bail to petitioner in a criminal case arising from FIR No.54 dated 03.03.2020, registered under Sections 406/420/467/468/471/120-B of the Indian Penal Code, 1860 at Police Station Bhondsi Gurugram District Gurugram.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Gurugram, in para 2, which is extracted as under:-

“2. As per the allegations of the prosecution, all the four applicants /accused persons, in criminal conspiracy with each other, have played fraud upon the complainant namely Ajay Kumar, who is Proprietor of M/s Galaxy Logistics Services, having its registered office at Sohna Road, Bhondsi, Gurugram. All the accused persons have allegedly misappropriated an amount of Rs.1,15,00,000/- of the complainant and did not pay the same for the services of delivering the parcels/couriers made for the accused persons. As per these allegations, the accused persons have also forged the bills/invoices and affixed the signatures on behalf of the complainant on these bills and received the payment of the same from the Maruti Suzuki Company Limited, to whom this material had been further supplied by the complainant’s firm. On the basis of such allegations, the instant criminal case was registered at the Police Station Bhondsi, Gurugram.”

This Court has heard learned counsel for the parties at length.

It is not in dispute that pursuant to the directions issued by this Court, the

petitioners have joined investigation. Thereafter, on 28.07.2020, keeping in view the stand taken by learned counsel for the State, the prosecuting agency was permitted to serve the petitioners with a questionnaire which shall be replied by the petitioners. The aforesaid questionnaire, so served by the prosecution, has already been answered by the petitioners.

Learned counsel for the petitioners has submitted that TRIM India has filed a civil suit on 09.12.2019 against the first informant for recovery of an amount of Rs.77,38,955/-. He also contended that the present FIR is in fact a counter blast to the FIR No.137 dated 25.06.2018, registered under Sections 120-B, 406, 420, 467, 468, 471 of the Indian Penal Code registered by TRIM India Private Limited against sister concern of the first informant. He further drew the attention of the Court to the communication of Maruti Suzuki India Limited, to the effect that no payment has been made by the Maruti Suzuki India Limited against the bills to TRIM India Private Limited. He further submitted that as per the allegations, TRIM India Private Limited and M/s Galaxy Logistics Services, run by the first informant are having business terms and relations for the last five years and the dispute is with regard to rendition of accounts arising from contract between the parties. He further submitted that TRIM India Private Limited manufactures injection molding, blow molding, door drims for Maruti Suzuki India Limited, Mahindra and Mahindra Suzuki Motorcycles, JCB and International Tractors whereas M/s Galaxy Logistics Services was engaged to transport the goods from the premises of M/s TRIM India Private Limited to

various purchasers. He further submits that from the reading of the FIR, it is apparent that the first informant is alleging that M/s TRIM India has to pay a sum of Rs.1,15,00,000/-.

On the other hand, learned counsel appearing for State of Haryana, has submitted that both the petitioners have joined the investigation. However, the custodial interrogation of the petitioners is required to recover the forged invoices/stamp of M/s Galaxy Logistics Services.

Learned counsel for the first informant while referring to the reply filed by Assistant Commissioner of Police, has submitted that during investigation, it has been found that the petitioners have appended fake signatures and stamps of M/s Galaxy Logistics Services on the aforesaid invoices.

This Court has considered the submissions of learned counsels. It may be noted here that the registration of FIR No.137 dated 25.06.2018 by TRIM India against the sister company of the first informant is not disputed. Even, pendency of the civil suit for recovery of Rs.77,38,955/- filed by TRIM India against M/s Galaxy Logistics Services, is also not in dispute. The correctness of communication of Maruti Suzuki India Limited to the effect that no payment has been made to M/s TRIM India Private Limited is also not questioned. Still further, the petitioners have already joined the investigation. They have also answered the questions forwarded to them in the questionnaire. Prima facie, essentially, the dispute between the parties is with regard to recovery of

the amount. The parties are admittedly having regular business transactions for the last five years.

Keeping in view the aforesaid facts and without commenting on the merits of the case, it is considered appropriate to confirm the interim protection granted to the petitioners in both the petitions. The observations made by this Court while disposing of the prayer for anticipatory bail, shall not be construed as an expression of opinion on the merits of the case.

In view of what has been observed above, both the petitions are allowed.

All the pending miscellaneous applications, if any, are disposed of, in view of the aforesaid order.

07.09.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No