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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1314/2020**

RAJESH SHANTILAL SANGHVI Applicant
Through: **Ms. Aastha Mehta & Ms. Vishakha,**
Advocates

versus

OFFICE OF THE ASSISTANT COMMISSIONER OF POLICE
SECTION VI, ECONOMIC OFFENCES WING & ANR.

..... Respondents
Through: **Ms. Meenakshi Dahiya, APP**
Ms V. Garg, Advocate for
Complainant

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
% **28.08.2020**

Hearing has been conducted through Video Conferencing.

Status Report has been filed by the State. It is stated in the Report that a Complaint was filed by Shri Jain, Associate Vice President of M/s. Jindal Stainless (Hisar) Limited having its registered office at O.P. Jindal Marg, Hisar and Corporate Office at Jindal Centre, 12, Bhikaji Cama Place, New Delhi.

The contents of the Complaint have been brought out extensively in the Status Report. It is further stated that a preliminary inquiry was initiated and the Complainant was examined. During his examination, he alleged that M/s. Ratnesh Metal Industries Pvt. Ltd. (hereinafter referred to as the 'Company') misrepresented the facts relating to its production capacity at the time the MOU dated 03.08.2017 was entered into, whereby the

Complainant Company provided raw stainless steel to the said Company at Gujarat from Hisar, Haryana for getting finished products. It was represented that the Company had production capacity of 2680 MT per month, whereas the actual production capacity was only 400 MT per month. After getting the finished product, it was to be exported out of India by the complainant. He further stated that when inventory of raw materials supplied to the Company kept increasing and finished goods were not provided by the Company, as committed, he realised that the Company did not have the production capacity as was earlier disclosed. The complainant had started dealing with the Company in the year 2016 and till June, 2019, total 18,500 Tonnes of raw material was provided to the Company, whereas 17,950 Tonnes of material was returned. Thus a total of 555 Tonnes of material was allegedly pending with the Company, worth Rs 7.75 crores. Two representatives of the complainant were deputed at the manufacturing unit of the Company, for the purpose of production, planning, quality check and dispatch as well as signing documents for export. However, the Representatives found that the material with JSHL code was packed for another customer but it was not dispatched.

It is further stated in the Status Report that during the inquiry, the Applicant, who had signed the MOU on behalf of the Company, was asked to join the inquiry by a notice and to provide his response to the allegations levelled. Applicant gave his response dated 09.01.2020 along with copies of relevant documents, which have been examined.

It is stated that from the contents of the Complaint and the documents provided by the Complainant as well as the Applicant, the dispute between the parties has arisen out of business transactions and no criminality is found

in the matter. Therefore the inquiry into the matter has been closed as no cognizable offence is made out. Hence, the Applicant does not have any apprehension of arrest and the petition being premature is liable to be dismissed.

Ms. Meenakshi Dahiya learned Additional Public Prosecutor submits that in view of the Status Report, Applicant has no apprehension of any arrest as the case stands closed, therefore the Anticipatory Bail Application be accordingly disposed of.

Ms. V. Garg learned counsel for the Complainant vehemently and strenuously urges that there is criminality involved in the matter as the Applicant and the Company has played a fraud on the Complainant. She therefore submits that liberty be given to the Complainant to take recourse to the remedies available in law.

The contention of Ms. Garg is equally strenuously opposed by Ms. Mehta, learned counsel for the Applicant, who submits that in view of the Status Report, no criminality can be attached to the Applicant and the alleged transactions between the Applicant and the Complainant are purely in the realm of a commercial bargain.

I have heard the learned counsels for the parties including Ms. Garg learned counsel for the Complainant.

In view of the Status Report it is clear that the case has been closed by the Police as no criminality or cognizable offence has been made out. There is thus no apprehension of registration of an FIR and / or consequential apprehension of any arrest.

The Anticipatory Bail Application is therefore disposed of in view of the Status Report filed by the State. It is, however, directed that in case the

Police for any reason takes steps to register an FIR and / or arrest the Applicant, 7 days notice shall be given to the Applicant. It is open to the Complainant as well as the Applicant to take recourse to such further remedies as may be available to them in law, as and when the need so arises.

JYOTI SINGH, J

AUGUST 28, 2020
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