IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17926 of 2020 (O&M)
Date of Decision: 01.07.2021

Nirmal Singh

......Petitioner

Vs

State of Haryana

.....Respondent

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Jagdish Machanda, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

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RAJ MOHAN SINGH, J.

The case was taken up for hearing through video conferencing.

CRM No.19129 of 2020

[1]. For the reasons mentioned in the application, the same is allowed. Accompanying documents are taken on record, subject to all just exceptions.

Main case

[2]. Petitioner seeks grant of anticipatory bail under Section

438 Cr.P.C in case bearing FIR No.0125 dated 13.06.2020, registered under Sections 341, 406, 420, 506 IPC at Police Station Ismailabad District Kurukshetra.

[3]. FIR was registered against the petitioner at the instance of complainant Sanjeev Kumar Raheja, proprietor of M/s Jagmohan Traders, Shop No.196, New Grain Market, Ismailabad District Kurukshetra with the allegations that the complainant deals in the business of seeds, pesticides and fertilizers and was having business dealings with M/s Virk Brothers (petitioner's firm), who used to purchase seeds, pesticides and fertilizers from the firm of the complainant and further used to sell the same to the farmers. Petitioner got the supply of seeds, pesticides and fertilizers from the complainant's firm and supplied the same to the farmers from 04.12.2019 to 05.03.2020. The bills were issued in the names of farmers with proper stamping and signatures. The details of farmers were also registered in the books of the firm of the petitioner. There is balance amount of Rs.14,06,490/- which is due towards the petitioner till 05.03.2020. Petitioner issued a cheque No.00119 dated 20.05.2020 in the aforesaid amount i.e. Rs.14,06,490/- from his account No.50200015063782 in HDFC Bank at Ismailabad and asked the complainant to present the same on 28.05.2020. On being presented, it was found that the payment was already stopped by the petitioner. Ultimately the cheque was dishonored by the Bank. Instead of making good the payment, the petitioner gave threats to the complainant. With this background the FIR was registered.

[4]. Learned counsel for the petitioner submitted that the cheque issued to the complainant was not in the context of legally enforceable debt as the same was stolen. A complaint was made to the Police prior to lodging of the FIR.

[5]. Learned counsel further submitted that there were business dealings between the parties and the offences are not attracted. The signatures of the petitioner appearing on the balance sheets are lifted signatures from some other documents and balance sheets are forged.

[6]. On the other hand, learned State counsel duly assisted by learned counsel for the complainant opposed the bail on the ground that the account statements bear the signatures of the petitioner and stamps of the firm. The firm of the petitioner used to purchase pesticides, seeds and fertilizers from the firm of the complainant and further used to supply the same to the farmers. The complainant had issued bills in the name of those farmers and all the bills bear signatures of petitioner and stamps of firm namely M/s Virk Brothers. The details of those farmers are also entered in the account book of the petitioner's firm. An amount of Rs.14,06,490/- is still due as against the petitioner's firm till 05.03.2020. The cheque was properly given to the complainant qua the said amount, however on presentation the same was dishonoured by the Bank for want of sufficient funds in the account of petitioner.

[7]. Learned State counsel and learned counsel for the complainant further submitted that the petitioner is having antecedent behaviour of criminal activity and is habitual in committing such offences. He is involved in six different cases including three cases under NDPS Act, two cases under Excise Act and one case under Sections 406 & 420 IPC.

[8]. Learned counsel for the complainant with reference to the documents filed in CRM No.19129 of 2020 submitted that the signature of the petitioner on the balance sheets were got compared with the standard signatures of the petitioner on cheque and other documents from Mr. Gaurav Batra, Forensic Document Expert. The original balance sheets were compared with the standard signatures and on examination it was found that the person, who wrote the standard signatures marked as S1 to S4 in the name of Sh. Nirmal Singh had written the questioned signatures marked as Q1 and Q2 present on the Ledger sheet (01.04.2019 to 31.03.2020) of M/s Jagmohan

Traders on two consecutive pages.

[9]. I have considered the submissions made by learned counsel for the parties.

[10]. The primary contention of the petitioner is that his signatures on the balance sheets were lifted by the complainant from some other documents and the cheque was not issued towards legally enforceable debt, rather the same was stolen.

[11]. Since the signature of the petitioner on the balance sheets were got compared with the standard signatures of the petitioner on cheque and other documents from a private expert, therefore, vide order dated 07.01.2021, the case was deferred to await report from the FSL, Madhuban.

[12]. Report from FSL Madhuban has been received. The relevant part of the report reads as under:-

> *"The above similarities observed between standard and questioned signatures are significant and sufficient and cannot be attributed to accidental coincidence and when considered collectively, they lead to the opinion that* ***the person who wrote red enclosed standard signatures stamped and marked A1 to A5, A7, A8, A10, A12, S1 to S27 also wrote the red enclosed questioned signatures similarly stamped and marked Q1, Q2.****"*

[13]. As per report of the FSL, Madhuban, the signatures appearing on Q1 and Q2 are the original signatures and similarity has been opined by the expert between the signatures of the petitioner appearing on different documents. The complainant had got signed three copies of balance sheets from the petitioner in respect of amount due on 05.03.2020 i.e. Rs.14,06,490/- and one of the copies had already been handed over to the Police.

[14]. In view of stand taken by the learned State counsel and learned counsel for the complainant, the case requires to be investigated thoroughly for which custodial interrogation of the petitioner is required. Consequently, finding no merit in the present petition, the same is dismissed.

(RAJ MOHAN SINGH)
JUDGE

July 01, 2021
Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No