

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

203

CRM-M-46947-2018 (O&M)

Date of decision : 15.11.2021.

Manoj Kumar Aggarwal and others

... Petitioners

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Damanbir Singh Sobti, Advocate for the petitioners.

Mr. Anant Kataria, DAG, Haryana.

Mr. Ivaan Singh Khosa, Advocate for
Mr. Shiv Kumar, Advocate for the complainant.

Anupinder Singh Grewal, J. (Oral)

A Coordinate Bench of this Court on 23.10.2018 had passed the following order:-

“In this petition, petitioners have sought anticipatory bail under the provisions of Section 438 Cr.P.C. in case FIR No.319 dated 09.09.2018 under Sections 406/420/34 IPC, registered at Police Station Madhuban.

Learned counsel for the petitioners submitted that there was a transaction between the complainant, Maa Durga Traders and the petitioners – Garg Brothers. It was submitted that there was no direct transaction relating to selling and purchase of rice/pulse between the complainant Rajesh Goyal and petitioners Garg Brothers. Learned counsel for the petitioners pointed out from Annexure P-2 relating to transaction between Garg Brothers and Maa Durga Traders. It was submitted that *prima facie* FIR is not maintainable against the petitioners-Garg Brothers. Allegations by the complainant–Rajesh Goyal is against Maa Durga Traders. Having regard to these facts and circumstances, petitioners are entitled to the benefit of interim bail.

Notice of motion for 13.12.2018.

In the meantime, petitioners are directed to appear before the Investigating Officer and join investigation and in the event of arrest, petitioners be admitted to interim bail subject to the satisfaction of the Arresting/Investigating Officer. Petitioners shall abide by the conditions envisaged under Section 438(2) of the Cr.P.C.”

Learned State counsel, upon instructions from ASI Arvind Kumar, states that although the petitioners have joined investigation but they are not disclosing the whereabouts of co-accused Sanjay Aggarwal, who is the owner of M/s Maa Durga Traders.

Learned counsel for the complainant, however, contends that in view of the serious allegations against the petitioners, they are not entitled to the concession of anticipatory bail. He also contends that the complainant had given the rice to M/s Maa Durga Traders and M/s Maa Durga Traders in turn had given the rice to the petitioners but the payments had not been made to the complainant.

In view of the above and the petitioners having joined investigation, the Covid-19 Pandemic, the order dated 23.10.2018 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 15, 2021

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