

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

**Criminal Misc. No.M-28290 of 2021(O&M)
Date of Decision: July 30, 2021**

Dinesh Mahajan ...Petitioner
Versus
State of Haryana and another ...Respondents

2. Criminal Misc. No.M-28719 of 2021(O&M)

Khushal Chandamal Jain ...Petitioner
Versus
State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Sunil Chadha, Senior Advocate assisted by
Mr.Umesh Aggarwal, Advocate for the
petitioner in CRM-M-28290-2021.

Mr.Bipan Ghai, Senior Advocate assisted by
Mr.Aditya Singla, Advocate for
petitioner in CRM-M-28719-2021.

Mr.Vishal Malik, DAG, Haryana.

Mr.A.S.Talwar, Advocate for the complainant.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This order shall dispose of two petitions bearing Nos.CRM-M-28290-2021 and CRM-M-28719-2021, which are arising out of the same FIR.

Both the petitions have been filed under Section 439 Cr.P.C for grant of bail in case FIR No.267 dated 28.09.2020 under Sections 406/420/467/468/471/506/120B IPC, registered at Police Station DLF Phase

III, Gurugram.

The allegations in the FIR registered on the complaint of Rajat Luthra, designated Market Procurement Leader, Philips India Ltd, are that certain vendors of M/s Phillips India Ltd entered into a criminal conspiracy with former and serving employees of the said Company (M/s Phillips India Ltd) and under the said conspiracy they prepared fake invoices for such services which in fact were never requisitioned by M/s Phillips India Ltd. They raised bills in furtherance of the said invoices. The bills were cleared in collusion with serving officials of M/s Phillips India Ltd. Thus payments were made to the vendors on behalf of M/s Phillips India Ltd. for services which were never rendered, thereby causing wrongful loss to M/s Phillips India Ltd and wrongful gain to the persons named as accused in the FIR. The alleged misappropriated and embezzled amount had been estimated to be Rs.8 crores for the period 2019-20 and even prior thereto.

Dinesh Mahajan – petitioner in CRM-M-28290-2021 is Director of M/s DA Healthcare. Khushal Chandamal Jain – petitioner in CRM-M-28719-2021 is Director of M/s PRV Computers India Pvt. Both are accused vendors of Philips India Ltd.

It is the agreed case of the petitioners and the complainant that now a Memorandum of Understanding dated 07.07.2021 has been executed between the petitioners and other co-accused on the one hand and complainant Company i.e M/s Phillips India Ltd on the other hand. As per the said MOU, the entire dispute which is the subject matter of the aforesaid FIR (Annexure P.1) has been duly settled for an amount of Rs.19 Crores. Out of the said amount of Rs.19 Crores, petitioners along with other co-

accused have already paid to the complainant Company an amount of Rs.14.30 Crores through demand drafts. This amount is a little over 75% of the total settled amount of Rs.19 Crores. With regard to the remaining amount i.e Rs.4.70 Crores, postdated cheques have been handed over to the complainant Company which would be exchanged with the demand drafts at the time of recording statements during the proceedings to seek quashing of the FIR. These proceedings shall be initiated within a period of 30 days from the date of entering into the aforesaid MOU.

Ld. counsel for the petitioners state that the case is purely based on documentary evidence, which is already in the possession of the Police. The investigation is complete and charge -sheet has been filed. The petitioners are in custody since 12.04.2021.

Keeping in view the above particularly, the settlement between the parties as also the fact that the trial of the case may be delayed due to Covid-19 situation, both the petitions are allowed. The petitioners Dinesh Mahajan and Khushal Chandamal Jain are ordered to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

All Misc. Applications also stand disposed of.

July 30, 2021
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No