

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

CRM-M-30306-2021 (O&M)

Date of decision: 23.11.2021

Kapil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Neha Dewan, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 112 dated 01.05.2021, registered under Section 406 IPC at Police Station Sector 17, Faridabad.

The operative part of the order dated 02.08.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner relies upon order dated 15.07.2021 passed in CRM-M-27169-2021, vide which co-accused Sandeep has been granted concession of interim anticipatory bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that the FIR was registered against Metro Heart Institute, Faridabad and its employees, namely Sandeep Chaudhary, Purchase Manager, Kapil (Purchase department), Tarun Kumar, Manager IT, Seema Mahendra, Purchase Head for committing cheating and forgery with complainant-Vikram Singh, who is the Director of M/s Micro World Infosol Pvt. Ltd., Faridabad.

Learned counsel further submits that as per allegations in the FIR, the complainant deals in IT hardware products and on 30.10.2019, 10 Desktop Computers and 10 TFT Monitor, total amounting to Rs. 2,99,000/-, were sent to Metro Heart Institute, Faridabad on 30 days credit basis, however, later on, the payment was not made due to COVID-19 situation. When the complainant contacted the Metro Heart Institute, it was informed by the Security Head that the computers have already been returned to the company of the complainant. With these allegations, the present FIR was registered.

Learned counsel further submits that though the petitioner is stated to be the Purchase Manager, however, during investigation, it has come that aforesaid articles were duly returned to the complainant and it is a purely civil dispute regarding payment of amount and, there is no fault on the part of the petitioner and it is the own case of the complainant that the goods were supplied on credit basis.

Learned counsel further submits that the petitioner has earlier joined investigation, however, his bail application has been dismissed on the premise that he is not cooperating in investigation.

Notice of motion for 23.11.2021.”

Learned counsel further submits that allegations against the petitioner are also to the effect that he is an employee of Metro Heart Institute, Faridabad.

Learned counsel further submits that it will be a matter of investigation whether the goods supplied to the hospital were returned or retained by the hospital and the petitioner is ready to join investigation.

Notice of motion for 23.11.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 02.08.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Dinesh Kumar, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 02.08.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

23.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No