

CRM-M-43838-2020 (O&M);
CRM-M-43262-2020 (O&M) &
CRM-M-43265-2020 (O&M)

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

(I) CRM-M-43838-2020 (O&M)

Rajender Kumar @ Rajan ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-43262-2020 (O&M)

Manju ...Petitioner

Versus

State of Haryana ...Respondent

(III) CRM-M-43265-2020 (O&M)

Shyam Narayan ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 23.03.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.M.Gulati, Advocate, for the petitioner/s.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Sanjay Kumar.

Mr. Rakesh Gupta, Advocate, for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the aforesaid three petitions i.e. CRM-M-43838-2020 filed on behalf of Rajender Kumar @ Rajan; CRM-

M-43262-2020 filed on behalf of Manju and CRM-M-43265-2020 filed on behalf of Shyam Narayan seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.481 dated 04.12.2020 at Police Station Ambala Cantt, District Ambala, under Sections 120-B/406/420/506 IPC.

2. While issuing notice of motion in CRM-M-43262-2020 & CRM-M-43265-2020, the following order was passed on 21.12.2020:

“The petitioner(s) have approached this Court seeking grant for anticipatory bail in a case registered vide FIR No.481, dated 04.12.2020, Police Station Ambala Cantt, District Ambala, under Sections 120-B, 406, 420, 506 IPC.

As per complainant's case, he is owner of four trucks costing about Rs.28 lakhs each which he had got financed from HDFC Bank. The monthly installment in respect of each of the said four trucks was about Rs.68,000/- per month. It is alleged that complainant-Vishal entered into an agreement with Shyam Narayan for sale of two of his trucks and with Jagjit Singh for sale of the other two trucks and that they paid an amount of Rs.12 lakhs in all, out of which Rs.8 lakhs were paid by Jagjit Singh and Rs.4 lakhs paid by Shyam Narayan. It is alleged that as per the understanding, the aforesaid two persons were required to pay the monthly installment of Rs.68,000/- in respect of each of the trucks and while an affidavit/agreement was executed by Jagjit Singh on 10.1.2019, Shyam Narayan executed the agreement/affidavit on 05.02.2019. It is also alleged that aforesaid also agreed to purchase diesel from the complainant's petrol pump. The complainant alleged that while Jagjit Singh, paid 7 installments totalling an amount of Rs.9.37 lakhs approximately, Shyam Narayan paid two installments totalling an amount of Rs.2.72 lakhs. It is alleged that Shyam had made the said payment from the

account of Manju. The complainant alleged that thereafter the aforesaid accused did not pay the remaining amount and in fact an amount of about Rs. 10 lakhs is also due to be recovered from them being the dues towards refueling of diesel.

Learned counsel for the petitioner(s) has submitted that even if the allegations leveled in the FIR are taken to be correct, it is a case of civil nature simplicitor and that no offence can be said to be made out on account of non-payment of the balance amount in respect of the purchase of truck or for not fully honouring the agreement which had been entered into by amongst the parties.

Notice of motion for 23.3.2021.

Meanwhile, in the event of arrest, the petitioner(s) be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner(s) shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

A photocopy of this order be placed on the connected file.”

3. Even in the case of the petitioner, namely, Rajender Kumar @ Rajan (CRM-M-43838-2020), interim bail was granted to him vide order dated 28.12.2020.
4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and are not required for any custodial interrogation.
5. In view of the aforestated position, all the petitions are accepted and the interim directions issued by this Court vide order/s dated 21.12.2020 in CRM-M-43262-2020 & CRM-M-43265-2020 &

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28.12.2020 in CRM-M-43838-2020 are hereby made absolute
subject to the condition that the petitioners shall join investigation
as and when called upon to do so and cooperate with the
Investigating Officer and shall also abide by the conditions as
provided under Section 438 (2) Cr.P.C.

23.03.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**