

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44178-2020 (O&M)
Date of Decision:-7.12.2021

Deepak Mittal	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rose Gupta, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Sumer Singh.

Mr. Sanjay Kumar Aggarwal, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0675 dated 18.11.2020 at Police Station Hisar City, District Hisar (Haryana) under Sections 109, 120-B, 381, 420 of Indian Penal Code.
2. At the time of issuance of notice of motion on 28.12.2020, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.0675 dated 18.11.2020 under Section

109, 120-B, 381, 420 IPC at Police Station Hisar City, District Hisar.

The allegations in nutshell are that there were some business transactions between the firm of the complainant i.e. M/s Jadia Pipes India Limited, Talwandi Rukka, Hisar and the firm of the petitioner i.e. M/s Tirupati Chemicals. It is alleged that on 14.09.2020, the complainant received a message from Indian Overseas Bank, Hisar that Cheque No.919426 for an amount of Rs.1,52,00,000/- had been presented in the Bank and that upon coming to know about the same, the complainant immediately made a request to the Bank to stop payment as he had never issued the said cheque and there was only an amount of Rs.5 lakhs in his account. The complainant alleged that Sanjeev Goyal, Shiv Dutt Sharma and Chander Prakash Singh, who had earlier been working for him in accounts branch, had connived with Vikas Mittal and Deepak Mittal and had stolen the cheque in question and had forged the same.

Learned counsel for the petitioner has submitted that in fact it is a case where on account of business transactions between the two firms, the complainant's firm was to pay an amount of Rs.1,54,45,307/- and in order to discharge the said liability, Cheque No.919426 dated 31.08.2020 amounting to Rs.1,54,45,307/- had been issued which upon its presentation in the Bank by the petitioner was dishonoured leading to filing of a complaint under Section 138 of the Negotiable Instruments Act by the petitioner against the complainant.

It has been submitted that the complainant in an attempt to wriggle out of his liability and to create pressure upon the petitioner has now lodged this false FIR, wherein even the facts have not been stated correctly inasmuch as the amount in question has been stated as Rs.1,52,00,000/- instead of Rs.1,54,45,307/-.

Notice of motion for 23.04.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.

At this stage, Mr. Sanjeev Kumar Aggarwal, Advocate, has put in appearance on behalf of the complainant.”

3. Learned State counsel assisted by learned counsel for the complainant has submitted that there are call-details to show that the accountant of the complainant namely Chander Prakash Singh had been having regular conversation over mobile phone with Vikas Mittal (non-applicant), which would show that all the accused had connived together to defraud the complainant.
4. Learned State counsel, upon instructions from ASI Sumer Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
5. I have considered the aforesaid submissions.
6. Having regard to the nature of allegations and the fact that the petitioner has already joined investigation and is not required for any custodial interrogation and is not even stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 28.12.2020 are hereby made absolute, subject to the condition that the petitioner 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.

7.12.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No