

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

CRM-M No.49518 of 2021 (O&M)

Date of decision: 26.11.2021

Vinay Kumar Aggarwal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.205 dated 05.11.2018 registered under Sections 406, 420, 120-B IPC at Police Station Adampur, District Jalandhar.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainant Avtar Singh, has booked an Audi A4 car with Ashwani Automobiles Private Limited and has deposited Rs.11.00 lacs in the account of Ashwani Automobiles Private Limited. It is further case of the complainant that later on, the amount was transferred by Ashwani Automobiles Private Limited in the account of the petitioner and Ashwani Automobiles Private Limited later on, did not deliver the car or return the money of the complainant. It is further submitted that the petitioner is not at all related to Ashwani Automobiles Private Limited as he is neither owner nor director of the said firm and in fact, he had business dealing with the same and the

amount, which was given to the petitioner was on account of the private dealing between the petitioner and Ashwani Automobiles Private Limited.

Counsel for the petitioner has further submitted that there is no allegation in the FIR that there was any privity of contract between the complainant and the petitioner with regard to payment of money or a reciprocal promise to deliver the car and therefore, the petitioner cannot be held liable for the offence of cheating.

Counsel for the State, on a Court query admits that the petitioner is not related to Ashwani Automobiles Private Limited in any manner, however, it is submitted that it is the case of the complainant that on the asking of the petitioner, he has booked the car and made the payment to Ashwani Automobiles Private Limited.

Counsel for the State has also brought it to the notice of the Court that two of the co-accused of the petitioner namely Bhisham Kapoor and another, were granted the concession of anticipatory bail vide order dated 01.09.2021 passed in CRM-M No.11273 of 2020 and another co-accused of the petitioner, who is son of the petitioner namely Avinish Aggarwal, has also been granted the concession of anticipatory bail vide order dated 03.03.2020 passed in CRM-M No.44950 of 2019.

After hearing the counsel for the parties, considering the fact that the co-accused of the petitioner have already been granted the concession of anticipatory bail, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following

conditions:-

1. *He shall make himself available for interrogation by a police officer as and when required;*
2. *He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
3. *He shall not leave India without previous permission of the Court.*

(ARVIND SINGH SANGWAN)
JUDGE

26.11.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No