

In the High Court of Punjab and Haryana at Chandigarh

203-3

CRM-M-39828-2019 (O & M)

Date of Decision: December 21, 2021

PRASHANTH VENKATESH AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ankur Malik, Advocate for the petitioners.

Mr. Anant Kataria, DAG, Haryana.

Mr. Manish Soni, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners are seeking regular bail in FIR No.282 dated 28.06.2019, under Sections 120-B and 406 IPC, registered at Police Station Sector-14, District Gurugram.

Learned counsel for the petitioner contends that the allegations in the FIR pertain to a business dispute which is civil in nature. The allegations of misappropriation of the shuttering material are unsubstantiated and, therefore, the petitioners deserve the concession of regular bail. He also contends that although the petitioners had furnished undertaking before this Court on 04.10.2019 that they are ready to return the remaining shuttering material but they could not return the remaining 640 tons of the shuttering material due to outbreak of the Covid-19 pandemic and losses in business. The petitioners were granted interim bail by the orders dated 04.10.2019 and 01.11.2019 and he, therefore, prays that the interim bail be confirmed.

Learned counsel for the complainant, however, contends that the complainant executed an agreement with the petitioners' company and had supplied 732 tons of shuttering material to the petitioners, which has been admitted by them in para No.5 of the petition. They have misappropriated this material and had returned only 90 tons. The company of the petitioners namely M/s Sri Sai Scaffolding Private Limited has shut down and this company has been formed only in the year 2017 with the intention to cheat the complainants. He also contends that the petitioners have resiled from the undertaking furnished before this Court on 04.10.2019 that they shall return 620 tons within a period of 04 months. The time schedule was set out in the affidavit filed by petitioner No.1 on 30.10.2019. The time schedule was also set out in the compliance affidavit filed by the petitioners on 09.12.2019.

Learned State counsel upon instructions from ASI Vinod Kumar states that the companies of the petitioners have been shut down and there are serious allegations of misappropriation of the shuttering material.

Heard.

The allegations against the petitioners are that they had allegedly misappropriated shuttering material. The petitioners had also furnished an undertaking before this Court on 04.10.2019 for returning the remaining 640 tons of the shuttering material by 30.04.2020. In view of the Covid-19 pandemic, the matter had been adjourned and the petitioners had been granted further opportunities from time to time and even on 26.02.2021 sought more time to comply with the undertaking. Learned counsel for the petitioners has submitted that the petitioners are not in a position to return the material.

In view of the above especially when there are serious allegations of misappropriation against the petitioners and they have resiled from the

undertaking furnished before this Court, I do not intend to grant them the concession of regular bail. The two orders dated 04.10.2019 and 01.11.2019 granting interim bail are also vacated.

The petitioners shall be taken into custody forthwith.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

December, 21, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No