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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3534 of 2022 (O&M)

Date of decision: 28.01.2022

Vishal Narwal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sushil Kamboj, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Anshul Mangla, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.012 dated 05.01.2022 registered under Sections 120-B, 406, 420, 506 IPC (Sections 467, 468, 471 IPC added during the investigation) at Police Station Yamuna Nagar City, District Yamuna Nagar.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainant stated that he is working as an Accountant and the accused persons approached and allured him that since the petitioner is looking after the work of the firm Hemant Timber, which is dealing with other factory regarding supply of goods, the old slips can be given to the complainant and in lieu of that payment be made to the accused persons and after 30-35 days, the payment will be given back after adding the commission payable to the complainant. In this process, the complainant started making the

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payment against the receipts as detailed in the FIR. It is further submitted that it is the case of the complainant that w.e.f. 20.07.2020 till 05.07.2021, the complainant was making the payment and on 17.07.2021 instead of making payment of the receipts, some new slips were given.

Thereafter the complainant, when checked the account, found that Rs.5,88,290/- is due against accused Nos.1 to 5 and he has given a WhatsApp message. Again, after checking the amount received by the complainant, it was found that after 05.07.2021, accused Nos.1 to 5, have not given any payment to the complainant and the total amount due is Rs.55,18,770/-.

Counsel for the petitioner has argued that, in fact, the petitioner is having no concern with Hemant Timber and it is own case of the complainant that it was a part of business transactions when the amount was given in lieu of the old slips and some amount was paid back and the dispute is of civil nature for which the petitioner has a civil remedy. It is also submitted that from the bare perusal of the FIR, no allegation of cheating are made out except that the petitioner has initially informed that he is a partner of Hemant Timber though, he is never a partner of the said firm but the very fact that the complainant was dealing and making and receiving the payment in lieu of various slips as detailed in the FIR, which reflect that the complainant has early knowledge about the status of the petitioner.

Counsel for the State assisted by counsel for the complainant has, however, argued that it is only on the allurements of the petitioner that the complainant has started the business and has made the payment as detailed in the FIR. It is not disputed that from the

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first dealing till 05.07.2021, the parties were making the payment and it is only after 05.07.2021, i.e. after a period of about 01 year when the business was started between the parties, the dispute occurred between them.

After hearing the counsel for the parties, considering the facts and circumstances of the case, which primarily reflect that it is a civil dispute between the parties, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 15 days from today to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

28.01.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No