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

**CRM-M-9776-2022
Date of Decision: 30.03.2022**

Harish Aggarwal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Khatri, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.28 dated 18.01.2021, under Sections 406, 420, 467, 468, 471 read with Section 120-B of IPC, 1860, registered at Police Station Sector-14, Gurugram, District Gurugram.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 26.01.2022 and the investigation of the case has already been completed and thereafter, the Police has presented the Challan under Section 173 of the Cr.P.C before the learned Magistrate. He further submitted that the present case is Magistrate triable case and the entire case is based upon the documentary evidence, which are already with

the Investigation Agency. He also submitted that the allegations against the petitioner were that he was one of the conspirators in the illegal and fake transactions which were pertaining to three employees, namely, Mukesh Kumar, Punit Sharma and Dashrath of a Transport Company and the account of the petitioner was being operated by his brother, namely, Manish Aggarwal and since the investigation has already been completed, therefore, he may be considered for the grant of regular bail. He further submitted that although there is another case against the petitioner pertaining to the same transactions in the State of Gujarat and therefore, it is not the case that the petitioner has any bad antecedents.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, has submitted that it is correct that the petitioner is in custody from 26.01.2022 and investigation of the case has already been completed and Challan under Section 173 of the Cr.P.C has already been submitted before the learned Magistrate. He however submitted that it is a case where an amount of Rs.17 lacs were received in the current account which is in the name of the petitioner which was although subsequently transferred to the account of his brother, namely, Manish Aggarwal.

Learned counsel for the petitioner has while replying to the aforesaid argument raised by the learned State Counsel, submitted that the brother of the petitioner has since been granted bail by the learned trial Court and the main accused in the present case were Mukesh Kumar, Punit Sharma and Dashrath.

I have heard the learned counsel for the parties.

The investigation of the present case has already been completed and it is the case triable by the Magistrate, the evidence is based upon the documents which according to the learned counsel for the petitioner are already with the Investigating Agency. As per the learned State Counsel, the amount of Rs.17 lacs which was received in the account of the company owned by the petitioner was subsequently transferred to the brother of the petitioner, namely, Manish Aggarwal, who has already been granted bail by the learned trial Court, this Court is of the considered opinion that it is not the case where the State has expressed any apprehension that in case the petitioner is released on bail then he may abscond or flee from justice or may tamper with evidence.

Therefore, considering totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

30.03.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |