

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

**CRM-M-10019-2022
Date of decision: 16.05.2022**

Yash Pal Jindal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vinod Ghai, Sr. Advocate with
Mr. Gurmohan Singh Bedi, Advocate,
Ms. Kanika Ahuja, Advocate,
Mr. Edward Augustine Geroje Masih, Advocate and
Mr. Pawandeep Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Manuj Nagrath, Advocate and
Mr. Sushant Kareer, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 190 dated 12.09.2021, registered under Sections 177, 420, 465, 467, 468, 471 and 120-B of the IPC at Police Station Sahnewal, District Ludhiana.

The operative part of the order dated 15.03.2022, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned senior counsel for the petitioner submits that the FIR was got registered at the instance of Ghansham Goel, Bharat Bhushan Jain, Sanjeev Kumar Goel and Sudhir Kumar Chadha, on a complaint given to Commissioner of Police, Ludhiana for registration of FIR against Sandeep Jindal, petitioner Yash Pal Jindal-Director of Jindal Cotex Mill Ludhiana and Kartar Chand Dhiman-Manager of Jindal Cotex Mill Ludhiana.

Learned senior counsel further submits that though in the FIR, it is stated that the complainant was having business dealings with M/s Jindal Cotex Mill Ludhiana, however, in the entire original complaint given to Commissioner of Police, Ludhiana forming basis of the FIR, no date or time has been given as to when the business deals took place and in fact in the inquiry conducted by the Joint Commissioner of Police, dated 23.12.2021, it was found that the complainant side has sold the goods worth more than Rs. 4 crore but the entire material, which was sent through a vehicle bearing registration number PB-10-AJ-9678, is found to be a three wheeler and it was not possible to transport the material in such a vehicle. It is also found in the inquiry that there is cutting on the bills and no VAT number is given in the bills, therefore, the business dealings were found to be doubtful.

Learned senior counsel further submits that in fact the account, from where the cheques were issued, was closed on 01.04.2014 and later on a DDR dated 16.08.2014, with regard to missing of cheque book, was also got registered in this regard.

Learned senior counsel further submits that as per the notification, the bank has declared the said account as NPA from October, 2014 onwards and the petitioner had resigned from the post of Director on 14.11.2016, which was accepted on 30.12.2016. It is further submitted that despite the fact that the account was not operational, the complainant has set up a case that in September, 2017, the cheques were issued from the said account for supply of goods, though no bills have been given and in the inquiry, it has come that the complainant has made statement that the goods were supplied from 20.04.2017 to 30.06.2017.

Learned senior counsel further submits that the complaints under Section 138 of the N. I. Act have already been filed and the same are pending adjudication before the competent Court of law and the case is now pending investigation before the Bureau of Investigation.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Mr. Manuj Nagrath, Advocate and Mr. Sushant Kareer, Advocate, accept notice on behalf of the complainant.

Learned State counsel, assisted by learned counsel for the complainant, could not dispute the factual position that the inquiry is now pending before the Bureau of Investigation and on the basis of subsequent inquiry, the FIR was registered because of two different inquiries.

Learned State counsel further submits that in fact there are two firms run by the petitioner, one at Ludhiana and the second one at Khanna and this fact was not brought into notice.

List again on 16.05.2022.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.03.2022, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from SI Harpal Singh, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation. Learned State counsel further submits that on 13.05.2022, a cancellation report is approved by the Bureau of Investigation and it will be submitted before the Court in due course.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 15.03.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

16.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*