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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.47215 of 2021 (O&M)
Decided on: 24.03.2022

Parshant Aggarwal

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.K. Jindal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Shivam Sharma, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.283 dated 01.10.2021 registered under Sections 406, 420 IPC, at Police Station Cheeka, District Kaithal.

The operative part of the order dated 29.11.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Amar Nath Singla, on 30.08.2021, he along with his Accountant Mukesh and one Satish were present in his rice mill. At that time, one Suresh Gaba, who is a rice broker, came along with a person, who introduced himself as Parshant (petitioner) as owner of SG Agro International and they expressed their intention to buy the rice. The deal was struck at Rs.3300/- per quintal and thereafter, 491.55

quintals of rice were loaded in two vehicles and were sent to Delhi, which were offloaded in the godown of SG Agro International. Later on, for receiving the payment, the complainant and his son went to godown, where they met co-accused Sushil Garg, Fateh Chand Bansali along with the petitioner and Sushil Garg gave Rs.8.00 lacs vide two cheques bearing No.1381 & 1382 dated 24.09.2021, drawn on HDFC Bank. On presentation of the cheques, he came to know that the payment has been stopped.

Later, on inquiry, they found that Sushil Garg has left the house and when they approached another accused Fateh Chand Bansali, he informed that Sushil Garg is in the habit of cheating the people. It is further submitted that except for a telephonic conversation dated 28.09.2021, in which the petitioner has received a call from the complainant and informed him that he is not owner of SG Agro International and it belongs to other accused and also informed to the complainant that you have been cheated by Sushil Garg. Even, brother of the petitioner namely Pradeep Kumar Gupta has given a complaint dated 16.10.2021 to the Deputy Commissioner of Police, District North, Civil Lines, Delhi against SG Agro International, Sushil Kumar Gupta and Deepak Gupta for cheating him to tune of Rs.89,40,077.63. It is thus submitted that in a calculated manner and noble method, even the petitioner has been cheated by Sushil Garg, owner of SG Agro International.

Learned State counsel, assisted by learned counsel for the complainant, has, however, submitted that consignment was delivered on assurance given by the petitioner, who has visited the rice mill of the complainant.

On a Court query, whether while entering into the deal, the antecedents and identity of petitioner Parshant Aggarwal was checked before sending consignment or any documents were verified regarding his proprietorship of

SG Agro International, learned counsel for the complainant submits that no such exercise was done.

Learned State counsel submits that only after arrest of Suresh Gaba, it can be investigated, in what manner, the complainant was cheated by the accused persons.

List again on 24.03.2022....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 29.11.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State assisted by counsel for the complainant and on instructions from SI Chander Bhan, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 29.11.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

24.03.2022
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No