

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

CRM-M-37848 of 2019(O&M)

DECIDED ON:2nd May, 2022

Manjunath Muragan

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. B.C. Santosh Kumar, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Manish Soni, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This petition was filed seeking anticipatory bail in case of FIR No. 282 dated 28.6.2019, under Sections 406, 120-B IPC, registered at Police Station Sector 14 Gurugram.

The FIR was got registered at the complaint of Bhuvneet Singh Authorised representative of M/s Satguru Shuttering Private Limited, Mehrauli Road, Gurugram. The complaint was against M/s Sri Sai Scaffoldings through its Director Prashanth Venkatesh, Parveen Venkatesh and one T.N. Chander Sekhar.

During investigation the co-accused disclosed the name of the petitioner. It was stated that shuttering material in dispute was sold to the petitioner. The plea taken by the petitioner was that he is the *bonafide* purchaser and had paid a consideration of Rs.50,00,000/- for purchase of material. He annexed with the petition, the tax invoices and e-way bill issued by the seller.

On 16.9.2019, following order was passed:

"The petitioner is seeking anticipatory bail in FIR No. 282 dated 28.06.2019, under Sections 406 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sector 14, Gurugram, District Gurugram.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it is alleged by the complainant that shuttering material had been misappropriated by Prashant and Praveen. He also contends that the petitioner has been arraigned as an accused on the statement of Prashant that the material was sold to the petitioner. Learned counsel, however, contends that the petitioner was a bona fide purchasers and had paid due consideration of approximately Rs.50,00,000/- for shuttering material. He has referred to the copies of the bills, which are at Annexure P-6.

Mr. Manish Soni, Advocate has put in appearance on behalf the complainant and states that the petitioner has not paid the amount of Rs.50 lakh for the shuttering material. The bills, which have been produced in this regard, are forged.

Learned counsel for the petitioner prays for time to place on record the documents indicating that this payment was actually made and to file affidavit to controvert the submissions of learned counsel for the complainant. He further states that without prejudice to his rights and contentions, the petitioner is willing to go for mediation.

Learned counsel for the complainant states that he is also ready for mediation.

Parties shall appear before the Mediation and Conciliation Centre of this Court on 24.09.2019.

For awaiting the report of the Mediator, adjourned to 17.10.2019.

Interim order to continue."

The petitioner filed documents i.e. bills, statements and certificate from Auditor/CA to show the payments.

Learned State counsel submits that the petitioner has joined investigation and on instructions submits that petitioner is required to join

Learned counsel for petitioner submits that the petitioner will join investigation as and when called for.

Learned counsel for complainant submits that co-accused had filed an affidavit in this Court that they will return the material within a time schedule but the same was not returned and their bail application was rejected.

The observations made hereinabove are only for the purpose of deciding the anticipatory bail petition and shall not be construed as an expression of opinion on the merits of the case.

The name of the petitioner was surfaced in a disclosure statement. He relied upon documents to substantiate that was a *bonafide* purchased. His custody is not being sought by the prosecuting agency.

The stand of the petitioner is based upon the documentary evidence. The veracity of the same shall be subject matter of trial. No custody is asked for and is required.

The interim bail granted is made absolute, subject to petitioners joining investigation as and when called for.

The State would be at liberty to avail remedy in accordance with law in case of any change in circumstance.

2nd May, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>