

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

CRM-M-49137-2022 (O&M)
Date of Decision:- 21.11.2022

Vinay Mittal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Omparkash.

Mr. Arjun Dhingra, Advocate with
Mr. Shashi Bhushan, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 102 dated 22.4.2022 under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Civil Lines Gurugram, District Gurugram.
2. The FIR was lodged at the instance of Mahesh Swami wherein it is alleged that Kalyan Singh is proprietor of a firm M/s Invent Info Solution, Gurugram and that the said firm had authorized Mahesh Swami, Business Development Manager to institute the FIR. The complainant alleged that Naveen in connivance with other accused contacted the complainant through e-mail on 23.12.2021 for purchasing computer hardware and placed an order for HP Laptop, Dell Laptop, Apple Laptop and other hardware. The complainant-firm delivered the same by way of different invoices/bills and the total hardware delivered was worth ₹60,88,150/-. Upon the complainant

having raised demands for payment for the same, the accused paid an amount of ₹19 lacs and also issued some cheques towards part payment. The said cheques were issued by one Rahul Kumar on behalf of M/s Naya Jewellers and had affixed his signatures on the cheques as proprietor. The cheques issued by said Rahul Kumar, upon presentation, were dishonoured. Despite the complainant having requested the accused several times, the accused did not pay any amount and rather used abusive language and misbehaved with the owner of the complainant firm as well as with the complainant and also issued threats to eliminate them. The accused Parveen Gulia claimed to have political contacts and threatened to get the complainant's family eliminated. The complainant later came to know that the accused were fraudsters and had committed fraud with various other companies in a well planned conspiracy.

3. The learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and that even if all the allegations as levelled in the FIR are taken to be correct, it is one Rahul Kumar who had allegedly issued some cheques on behalf of M/s Naya Jewels to the complainant firm and which had been dishonoured and that the petitioner has nothing to do with the same. It has been submitted that at best it could be a case of some civil liability against the aforesaid Rahul Kumar.
4. Opposing the petition, the learned State counsel has submitted that during the course of investigation it had surfaced that it is the petitioner who had impersonated as Rahul Kumar and while acting on behalf of the firms M/s Naya Jewels and M/s Fresh Grow, he had induced the complainant to part with computer hardware worth about ₹60 lacs and after making part

payment of ₹19 lacs had issued cheques for the balance payment which were dishonoured. The learned State counsel has submitted that the complainant from the record available has duly identified the petitioner to be the one who had represented himself to be Rahul Kumar and had issued the cheques in question. It has, thus, been submitted that it is a clear case of impersonation and cheating and as such, the petitioner does not deserve the concession of bail.

5. This Court has considered rival submissions addressed before this Court.
6. From the investigation conducted by the Investigating Agency, it is apparent that the petitioner has played a fraud with the complainant company by way of impersonation and cheating so as to deprive the complainant company of huge amount by way of placing purchase order of computer hardware and not making the full payment. The relevant extract from the reply filed by the State i.e. Para 6 of the reply reads as under :-

“That the role of the petitioner Vinay Mittal in the present case is that he had entered into conspiracy with the other above named accused and in pursuance of the conspiracy, he got changed the address of accused Rahul in his Aadhar Card. The petitioner obtained two sim cards on the Aadhar card of accused Rahul. The petitioner used the mobile no. 9654317762 obtained on the basis of the said Aadhar Card. Further, the petitioner opened the company M/s Fresh Grow on the basis of Aadhar Card, PAN Card, Passport and photograph of accused Rahul. The petitioner also opened an account no. 50200062223687 in HDFC Bank in the name of the said company and got registered the above mentioned mobile no. 9654317762. The petitioner Vinay Mittal and his wife Namrata Sahni were the Directors in the above mentioned companies M/s Fresh Grow and M/s Naya Jewels. The goods were obtained through the said companies and the cheques were issued from the bank accounts of the said companies to the complainant company, which were dishonored on

presentation in the bank. Further, the petitioner has himself affixed the signatures of accused Rahul in two of the cheques given to the complainant company and he has also prepared the forged rent agreement and other documents by using the photographs and documents of accused Rahul.”

7. In view of the above mentioned facts and circumstances, this Court find that it is a case where custodial interrogation of the petitioner would be required. No special case for grant of anticipatory bail is made out.
8. The petition is sans merit and is hereby dismissed.

21.11.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No