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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 08.11.2023

(I) CRM-M-33138-2023

KAMLESH VERMA @ KAMLESH KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

(II) CRM-M-34016-2023

SIDHARTH SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Vasundhara Dalal Anand, Advocate and
Mr. T. P. S. Bawa, Advocate for the petitioner(s) in both the cases.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Gautam Diwan, Advocate
for the complainant in both the cases.

JASGURPREET SINGH PURI, J. (Oral)

1. Both these petitions are taken up together for final disposal with the consent of learned counsel for the parties since both these petitions arise out of the same FIR and the prayer in both the cases is for grant of anticipatory bail.
2. Both these petitions have been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR

No.153 dated 28.06.2023, under Sections 120-B, 420, 465, 468 and 471 of the IPC (Section 467 of the IPC added later on), registered at Police Station Industrial, Sector-7, Manesar, District Gurugram, Haryana.

3. Learned counsel for the petitioners submitted that this Court while issuing notice of motion had granted interim anticipatory bail to both the petitioners i.e. Kamlesh Verma alias Kamlesh Kumar (petitioner in CRM-M-33138-2023) and Sidharth Singh (petitioner in CRM-M-34016-2023) on 13.07.2023 and 17.07.2023, respectively and in pursuance of the aforesaid orders, both the petitioners have already joined the investigation and they are fully cooperating with the investigation process.

4. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana, on instructions from ASI Ajit Kumar, submitted that both the petitioners have already joined the investigation and they are fully cooperating with the investigation process and they are not required for custodial interrogation. He further submitted that all the documents pertaining to the present case are already with the police and the disputed MOU/agreement was sent to forensic laboratory and a report has also been obtained in this regard and therefore, both the petitioners are not required for further custodial interrogation.

5. Learned counsel for the complainant has opposed the grant of bail to the petitioners on the ground that the petitioners have cheated the complainant by forging the signatures with a result that financial loss has been caused to the complainant, which according to the complainant is about Rs.80 lacs but as per the petitioner, about Rs.22 lacs falls as the security amount.

6. I have heard the learned counsel for the parties.

7. The allegations in the present FIR were pertaining to the fact that petitioner-Kamlesh Verma alias Kamlesh Kumar had taken the premises of the complainant on rent and during the COVID period, the disputed MOU/agreement was executed, which according to the complainant was a forged agreement by which the rent amount etc. was reduced to 50%. However, the case of petitioner-Kamlesh Verma alias Kamlesh Kumar is that there is no forgery in the aforesaid agreement and even otherwise also, the police has already completed the investigation pertaining to the same and the entire case is based upon documentary evidence. So far as petitioner-Sidharth Singh is concerned, he was stated to be only the signatory to the agreement. The dispute in the present case pertains to the allegation of forgery on a document regarding which the police has already obtained report from the forensic laboratory and as per the learned State counsel, all the documents are now available with the police for further investigation, if so required. It is a categorical stand of the learned State counsel that both the petitioners are not required for further custodial interrogation.

8. In view of the aforesaid facts and circumstances, both the petitions are allowed. Order dated 13.07.2023 passed in CRM-M-33138-2023 and order dated 17.07.2023 passed in CRM-M-34016-2023, are hereby made absolute.

08.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No