

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35773-2023
Date of Decision: 31.07.2023

Monish Mittal

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sumeet Goel, Sr. Advocate, with
Mr. Harshit Jain, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition is to grant regular bail in case FIR No.252 dated 01.05.2023 registered at Police Station Ambala Cantt., District Ambala, under Sections 120-B, 406, 420 and 506 IPC.

2. FIR was registered on the complaint of one Rajat Aggarwal, on behalf of a firm namely M/s Kedar Nath & Sons, which is the area distributor of Ambala Cantt. from November 2019 of M/s MDM Televentures Private Ltd. The said company is in distribution of mobile phones of the company named Real-me. Petitioner Monish Mittal along with Ashok Kumar Sahani and Silka Siloni Biswal are stated to be the directors of the said company and Pradipto Ganguli is stated to be the CEO of the company. It is alleged that orders were placed to the aforesaid M/s MDM Televentures Private Ltd. company for supply of Real-me phones on credit notes, from time to time, and that as per the statement of accounts, balance confirmation given by the company was for an amount of ₹20,85,085/-. It is alleged that neither the company supplied any goods nor

returned the outstanding balance. When the petitioner and others were asked in this regard, they threatened the complainant.

3. It is contended by learned counsel for the petitioner that even if the entire allegations contained in the FIR are taken on their face value, the dispute is of civil nature, which has been given criminal colour to arm twist the petitioner and others. It is further contended that petitioner is not even director of M/s MDM Televentures Private Ltd. and that he was only looking after the marketing. It is further contended that there is no allegation that the petitioner or the company had any fraudulent or dishonest intention to commit the offence since inception. Petitioner is in custody for the last approximately three months. Petitioner has also given details of three more FIRs registered against him and submits that all three of them have been registered on the similar set of allegations. He has already been granted regular bail by this Court in FIR No.49 dated 01.03.2023 registered at Police Station Industrial Area Bhiwani under Sections 406, 420, 467, 468, 471, 506 and 120B IPC, on 19.07.2023. Copy of that order is annexed as Annexure P5. Still further, it is contended that investigation is already complete and case is triable by Magistrate and so, petitioner be released on bail.

4. Notice of motion.

5. Mr. P.K. Aggarwal, DAG, Haryana accepts notice on behalf of the State and Mr. Shivam Kaushik, Advocate, accepts notice on behalf of the complainant.

6. Ld. State counsel does not dispute the proposition that case is triable by the Magistrate; and that investigation is already complete and Challan was filed on 13.07.2023. It is further informed that 11 witnesses

have been cited by the prosecution and none has been examined so far. However, bail is opposed on the ground of involvement of the petitioner in other cases of the similar nature.

7. I have considered submissions of the parties and perused the record.

8. Whether the petitioner had any fraudulent intention since beginning, will be matter of trial. As per the FIR version itself, complainant is having business with the company of the petitioner since November 2019 being the area distributor. The case is triable by Magistrate. Investigation is already complete. Trial has not even begun so far and thus, is likely to take long time to conclude. No purpose, in these circumstances, shall be served by keeping the petitioner detained. Bail cannot be declined simply because of the involvement of the petitioner in three other similar cases.

9. Having regard to all the facts and circumstances, but without commenting anything further on merits of the case, petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Allowed.

(DEEPAK GUPTA)
JUDGE

31.07.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |