



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

1. CRM-M No.3241 of 2024

Nitin Kumar Mittal

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.3242 of 2024

Nitin Kumar Mittal

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 22nd July, 2024

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajiv Malhotra, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. Petitioner Nitin Kumar Mittal has approached this Court by way of these two petitions detailed hereinabove seeking the concession of bail under Section 438 Cr.P.C. in cases bearing FIR Nos.208 and 209, both dated 28.07.2023 under Sections 406, 420 of the IPC registered at Police Station Siwani, District Bhiwani. Since both the petitions, although originating from two different FIRs, have been filed by the same person involved in similar set of allegations at the same Police Station, they are being taken up together for disposal by way of this common order.



2. On being put to notice by this Court, the State filed status report by way of an affidavit of Varun Singla, IPS, Superintendent of Police, Bhiwani.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present two cases, wherein the dispute is purely of a civil nature, but has been distorted by the complainant to settle personal scores. Additionally, it has been submitted that there are numerous commercial and business transactions between the complainant and M/s Shyam Enterprises, indicating that there was no dishonest intention on the part of the petitioner as had been alleged in the FIR in question.

4. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite and has drawn the attention of this Court to the specific and serious allegations levelled against the petitioner in the FIR in question, wherein he has been accused of defrauding the complainant of crores of rupees in exchange for Gwar Gum that was never delivered. Learned State counsel has also asserted and drawn the attention of this Court to the affidavit which was filed on 23.05.2024 wherein it stands reflected that the petitioner is involved in multiple other criminal cases of a similar nature including cases in the State of Rajasthan, which are clearly suggestive of the petitioner duping other individuals as well. Learned



State counsel has thus prayed for the dismissal of the instant petitions keeping in view the fact that the petitioner is a habitual offender.

5. I have heard learned counsel for the parties and perused the relevant material on record including the FIR in question.

6. In the facts and circumstances as enumerated hereinabove, the petitioner does prima facie come across as a habitual offender, as it is a matter of record that he is involved in several criminal cases of similar nature. Resultantly, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner in these two cases. Both the petitions stand dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 22, 2024
rps

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