



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

(260/2)
1)

Date of Decision: 19.11.2024
CRM-M-29694-2024

Balraj Dhingra

...Petitioner

V/s

State of Haryana

...Respondent

2)

CRM-M-32643-2024

Sanjeev Dhingra

...Petitioner

V/s

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate, for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Ashish Gupta, Advocate and
Mr. Varun Gupta, Advocate, for the complainant.

VIKRAM AGGARWAL, J (ORAL)

1. This order shall dispose of two petitions both filed under Section 438 Cr.P.C. for the grant of pre-arrest bail to the petitioners in case FIR No.0528 dated 09.07.2023, registered under Sections 406, 420, 467, 468, 471, 120-B IPC, at Police Station Kundli, District Sonapat.

2. On a complaint submitted by one Sanjay Sawhney, the FIR in question was registered. He was earlier a director of a company M/s Seagull Steels Private Limited. The petitioners were the promoters-directors and one Naresh Kumar Jaggi had also been inducted as non-executive director at a later stage. The allegation in essence was that the petitioners had forged



resignation letter dated 28.03.2022 allegedly executed by the complainant and on the basis of the same had got his name removed from the company in a clandestine manner as a result of which he suffered losses. It was alleged that 40% assured profit had to be paid to the complainant apart from salary but he had been duped by the present petitioners who had presented a forged resignation letter, alleged to have been executed by the complainant. Certain allegations of purchase of land and thereafter cancellation of sale-deeds etc. were also levelled in the FIR.

3. CRM-M-29694-2024 came up for preliminary hearing before this Court on 12.06.2024 and the following order was passed:-

“Learned Senior Counsel appearing for the petitioner inter alia contends that initially a petition for quashing of the FIR in question was filed but during the pendency of the same, a compromise was arrived at between the parties as a result of which the quashing petition was withdrawn on 16.11.2023 (Annexure P-6).

It is further submitted that thereafter a petition for quashing of the FIR on the basis of a compromise was filed in this Court and vide order dated 17.11.2023, the Court concerned was directed to record the statements of the parties and submit a report to this Court. However, the complainant backed out but even thereafter one opportunity was granted by this Court vide order dated 03.04.2024, in which the parties were directed to appear before the Mediation and Conciliation Centre of this Court. However, no compromise could be arrived at between the parties.

Learned Senior Counsel submits that the controversy in question pertains to documents for which custodial interrogation of the petitioner is not required. He further submits that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

Per contra, learned counsel representing the State of Haryana and learned counsel for the complainant, who has put in appearance and has duly filed his power of attorney, have opposed the prayer made by learned Senior Counsel representing the petitioner.

It has been submitted that a forged resignation letter alleged



to have been submitted by the complainant has been prepared by the petitioner and a fraud has been played by him. Keeping in view the totality of the facts and circumstances, as have emerged from the respective arguments of the learned counsel for the parties and the contents of the petition, let notice of motion be issued.

Mr. Deepak Bhardwaj, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Complete copy of the paper book be supplied to learned counsel for the State during the course of the day.

List on 03.07.2024.

In the meantime, the petitioner is directed to appear before the Arresting/Investigating Officer and join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C.”

4. Subsequently, CRM-M-32643-2024 came up for preliminary hearing before a coordinate Bench on 11.07.2024 and the following order was passed:-

“Learned Senior Counsel appearing for the petitioner inter alia contends that the controversy in question pertains to documents, for which, custodial interrogation of the petitioner is not required. He is ready to join investigation. Co-accused of the petitioner namely Balraj Dhingra has already been granted interim anticipatory bail vide order dated 12.06.2024, passed by a Co-ordinate Bench of this Court in CRM-M-29694-2024. It is further submitted that earlier, a petition for quashing of FIR on the basis of compromise was filed in this Court but later, the complainant backed out from the compromise and thereafter, no compromise could be arrived at between the parties. All the sale deeds in favour of the Company have been cancelled by the Government Authorities, copies whereof have been annexed with the paper-book as Annexure P-4. It has been contended that the petitioner has suffered loss due to act of the complainant.

Notice of motion.

Pursuant to supply of advance copy, learned State counsel has appeared on behalf of the respondent-State. Mr. Rajinder Singh, Advocate, has also put in appearance on behalf of the complainant. It has been submitted by learned counsel for the complainant that



the complainant was working as non-Executive Director in the Company. His resignation letter was forged and was uploaded on the site of the Registrar of the Companies. The said forged letter was attested by the petitioner and was sent to the CA, who uploaded the same.

List on 09.09.2024. To be heard with CRM-M-29694-2024.

In the meantime, the petitioner is directed to join investigation, as and when called by the Arresting/Investigating Officer. In the event of arrest, he shall be released on interim bail, subject to the satisfaction of the Arresting/Investigation Officer, subject to compliance of provisions of Section 438(2) Cr.P.C.”

5. It is also on record that initially CRM-M-37781-2023 was filed by the petitioners for quashing of the FIR but the same was withdrawn on 16.11.2023 (Annexure P-6), for the parties had arrived at a compromise and they intended to file a quashing petition on the basis of compromise. Pursuant to this, CRM-M-57669-2023 was filed for quashing of FIR on the basis of compromise. This petition came up for preliminary hearing before a coordinate Bench on 17.11.2023 and on the said date a report was sought from the trial Court about the compromise (Annexure P-7). However, on 03.04.2024, it was stated before the coordinate Bench that the complainant herein had backed out of the compromise as a result of which, the parties were directed to appear before the Mediation and Conciliation Centre of this Court. The quashing petition is pending at present.

6. Learned Senior Counsel representing the petitioners submits that now under the orders of this Court, the petitioners have duly joined investigation and their custodial interrogation is not required. He submits that under the circumstances, the anticipatory bail applications be allowed.

7. *Per contra*, learned counsel representing the State of Haryana submits that though the petitioners have duly joined investigation, the forged



resignation letter is yet to be recovered from the petitioners and, therefore, the anticipatory bail applications deserve to be dismissed.

8. Having considered the submissions made by learned counsel for the parties, this Court is of the considered opinion that the anticipatory bail applications deserve to be allowed. Admittedly, the petitioners have joined investigation under the orders of this Court. A quashing petition on the basis of a compromise is pending. The complainant had earlier backed out of the same. Even before the Mediation and Conciliation Centre, the matter could not be settled. In any case, the petition for quashing of the FIR on the basis of compromise shall be decided on its own merits. The case is based upon documents. The conduct of the complainant is also far from satisfactory. These petitions cannot be kept pending for all times to come.

9. For, the petitioners have joined investigation, the present petitions are allowed. The orders dated 12.06.2024 and 11.07.2024 respectively passed by this Court are made absolute, subject to compliance of the provisions as envisaged under Section 438(2) Cr.P.C.

(VIKRAM AGGARWAL)
JUDGE

November 19, 2024
vcgarg

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