



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

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**CRM-M No.34141 of 2024
Date of decision : 19.7.2024**

Rajneesh Singla alias Anil SinglaPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kapil Aggarwal, Advocate, for the petitioner

Mr. B.S. Virk, Senior DAG, Haryana

Mr. Mayur Karkra, Advocate, for the complainant

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.406 dated 19.11.2022, under Sections 406, 420 and 120-B of the IPC, 1860, (Section 201 IPC added later on), registered at Police Station Nissing, District Karnal.

2. Learned counsel for the petitioner would contend that, the whole story revolves around the alleged main accused Rajat Aggarwal, proprietor of M/s Shree Shyam Foods, Karnal. It is Rajat Aggarwal who in a planned manner has purchased rice from the complainant worth ₹2.70 crores and thereafter did not make any payment for the said purchase, as evident from perusal of the FIR.

3. It is also the case set up by learned counsel for the petitioner



that co-accused Rajat Aggarwal had sold the rice through his firm M/s Shree Shyam Foods to the firm of the petitioner i.e. M/s R.K. Brothers and all the bills were duly cleared from the bank and the entire payment of rice, whatever was purchased by the petitioner from Shree Shyam Foods, stands paid to the said firm and more so the bills also stand submitted with (Annexures P-2 to P-38) alongwith the statement of accounts related to M/s R.K. Brothers and M/s Shree Shyam Foods at Annexure P-39.

4. Learned State counsel could not controvert the fact that Rajat Aggarwal, co-accused has already extended the concession of anticipatory bail vide order dated 10.4.2024 in CRM-M No.6203 of 2023, which was subsequently made absolute vide order dated 16.5.2024 (Annexure P-58).

5. Learned counsel for the complainant would controvert the fact alleging that the aforesaid transactions vide bills (Annexure P-2 to P-38) pertains to different transactions whereas there was a complaint made subsequently by M/s Gopal Rice Mills, Nissing, alleging the supply of rice to the tune of ₹41,65,160/- having been made to the petitioner and his son against which the payment has not made and on the same grounds he seeks dismissal of the petition.

6. Be that as it may, the fact remains that main accused already stands granted the concession of anticipatory bail vide order dated 16.5.2024 passed by this Court, as is evident from the facts and material on record, and contention on behalf of the complainant to the effect that another supply of rice to the present petitioner worth ₹41,65,160/- is a disputed fact which may be established and corroborated by evidence in the trial but on that account, it cannot be justified that the petitioner's

custodial interrogation is necessary as is the mandate of law “Bail is a rule, jail is an exception” as has been held by the Supreme Court in the case of **State of Rajashtan v. Balchand @ Baliay, 1977 SCC (4) 308**, especially in the light of fact that Mr. Kapil Aggarwal, learned counsel for the petitioner, on instructions submits that the petitioner is ready and willing to join the investigation.

7. In the light of above, the present petition is allowed and the petitioner is directed to be released on anticipatory bail with a direction to the petitioner to join the investigation within a period of 7 days, subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by the Court shall automatically stands cancelled.

(SANDEEP MOUDGIL)
JUDGE

19.7.2024
Ashwani

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