



\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3791/2023**

RAJEEV KUMAR BHARDWAJ

..... Petitioner

Through: Mr. Rakesh Tanwar with Ms. Sanjana Gupta, Advocates.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State with Insp. Ichha Ram, P.S. Daryaganj.
Mr. A.K. Singla, Sr. Advocate with Mr. Akash Jandial, Mohd. Faraz and Mr. Intkhab Alam, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **01.02.2024**

1. By way of present application, the applicant seeks anticipatory bail in FIR No.519/2023 registered under Sections 419/420/406/120B IPC at P.S. Darya Ganj.
2. Learned counsel claims that the applicant is the Manager (Sales & Marketing) of the complainant company of Uttarakhand Region and states that in the regular course of business, on 21.02.2023 a purchase order was received from one M/s. Crystal Pharma Care, Roorkee, District Haridwar for supply of chemicals to be used for preparation of medicines. Against the purchase order, the said company also furnished four post-dated cheques. The goods were supplied, however, when the cheques were presented for encashment, the same were dishonoured on account of stop payment



instructions issued on 10.05.2023.

3. Applicant claims that he was merely a Sales Manager who has passed on the purchase order to his company. The goods were supplied but the cheques were dishonoured for which the applicant cannot be held liable. There is no allegation that applicant received any amount in the said transaction. The applicant himself lodged the complaint with SSP Roorkee. Lastly, it is submitted that the I.O. had issued S.41(A) Cr.P.C. notice and subsequent to the grant of interim protection, the petitioner has joined investigation and there is no other case pending against him.

4. Mr. Khanna duly assisted by Mr. Singla, learned senior counsel for the complainant oppose the bail application by stating that it was applicant who brought the purchase order and was aware of the dispatch of goods, which was received by one Mr. Neeraj Saini and Mr. Himanshu Saini and not the said company.

5. On a specific query, it has been informed that as on date, Mr. Neeraj Saini and Mr. Himanshu Saini are not arrested as they have joined the investigation.

6. In the investigation, no material has come on record that shows that the applicant to be a beneficiary of the cheated amount. The applicant has already joined investigation. Keeping in view the aforesaid facts and circumstances, it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-



- (i) The applicant shall join the investigating as and when he is asked for.
 - (ii) The applicant shall remain available on mobile number:8439200717, which shall be kept operational at all times during the pendency of the trial.
 - (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
 - (iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - (vi) The applicant shall regularly appear before the trial Court as and when the charge sheet is filed.
7. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

FEBRUARY 1, 2024/hs