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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1638-2025
DECIDED ON: 15.01.2025

KUMAR SHAILENDRA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Hakikat S. Grewal, Advocate and
Mr. Sube Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.120, dated 28.06.2024, under Sections 420, 465, 467, 468, 471 and 120-B of IPC, 1860, registered at Police Station Phase 1, District SAS Nagar, Mohali.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“FIR has been registered on the complaint made by Himanshu Kapoor, authorised signatory of Hartek Power Private Limited, Plot no. F 321,Industrial Areal, Phase 8B, SAS Nagar to the effect that in November, 2018-19, they had allotted civil works of their project at the site of Azure Power at Pavagedia to Efficax Engineers Private Limited. The said firm could not complete the project allotted to it and consequently, their company completed the entire job on its own. Now after passage of almost 5 years, they have received an e.mal from Efficax

Engineer Private Limited sent by Mr. Vinod Tarun who claimed that Efficax Engineer Private Limited had completed the entire job which was allotted by Hartek Power Private Limited and thereby claimed a sum of Rs. 64,10,848/- In support of its claim, the said company has also sent attachment of a document in the said e mail which is titled as 'Work Completion Certificate' dated 19.09.2019. In the said e mail, it has been stated that the said completion certificate was issued by Mr. Ashutosh Chaudhary who was working as DGM in the year 2018 in their company. They inquired from Mr. Ashutosh Chaudhary with regard to issuance of work completion certificate by e mail dated 04.10.2023. The said email was reverted to Mr. Ashutosh Chaudhary vide e mail dated 06.10.2023 wherein he has specifically stated that 'No work completion Certificate' was ever issued by him and the document which was attached by Mr. Vinod Tarun in his e mail was fake and fabricated document. From the above, they came to know that Efficax Engineer Private Limited, its management which includes Managing Director, other Directors and Mr. Vinod Tarun have connived with each other to forge and fabricate Work Completion Certificate dated 19.09.2019 to extort money from their company • Efficax Engineer Private Limited has also used said forged and fabricated Work Completion Certificate dated 19.09.2019 in a frivolous case before Samadhaan Micro and Small Enterprises Facilitation Council. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that Work Completion Certificate stands issued, which is now alleged to be forged and fabricated, therefore, the said facts are disputed in nature.

Notice of motion.

On behalf of the State/complainant

Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and candidly submits that the investigation can proceed further provided the petitioner undertakes to co-operate with the investigating agency and to handover the related documents, which needs to be tested during the course of

investigation, since the investigation by and large would revolve around documentary evidence.

Mr. Ankit Chowdhri, Advocate has put in appearance on behalf of complainant and prays for dismissal of the present petition stating that recovery of forged documents is yet to be effected, therefore, his custodial interrogation is required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that admittedly the dispute revolves around documentary evidence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner. As far as the contention of the complainant with regard to the recovery of alleged documents is concerned, the petitioner has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section. ’

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

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

15.01.2025

Meenu

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