



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

**CRM-M-9727-2021 (O&M)
Date of Decision: 23.07.2025**

DHIRENDRA MOHAN SINGH

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Gupta, Advocate and
Ms. Manvi Arora, Advocate for the petitioner.

Mr. Satbir Goripuria, DAG Haryana.

Mr. Anil Chawla, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. The instant petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 424 dated 18.12.2020 registered under Sections 420, 467, 468 and 471 of Indian Penal Code at Police Station City Sohna, District Gurugram.

2. On 02.03.2021, following order was passed:

“Learned counsel for the petitioner herein prays for grant of anticipatory bail in case FIR No.424 dated 18.12.2020 registered under Sections 420, 467, 468 and 471 IPC at Police Station City Sohna, District Gurugram. It is argued that the petitioner herein has furnished the bank guarantee which was duly accepted by the officials concerned and on finding that it was a fraudulent bank guarantee, he was asked to furnish another one which was duly done, which again was found to be fraudulent and a third bank guarantee was furnished. It is further argued that the bank guarantees were furnished not by the petitioner herein who is a contractor but by the sub-contractor and therefore, he has no liability as such. It is also argued that in fact he has already completed work of worth value more than 10 crores and his bills worth Rs.3 crores stand passed and therefore, no loss has been caused to the State.



On oral request made by learned counsel for the petitioner, the Executive Engineer, Dakshin Haryana Bijli Vitran Nigam, Operation Division Sohna, District Gurugram is permitted to be arrayed as respondent No.2, to this petition. Registry to do the needful.

Notice of motion for 28.04.2021.

Mr. P.P. Chahar, D.A.G., Haryana, who is present in the Court through the medium of video conferencing accepts notice on behalf of the respondent-State.

Notice be issued to respondent No.2 for the date fixed. This Court would like to understand as to under what circumstances the tender was allocated to the petitioner without verification of the bank guarantee and also as to why the tender was not terminated on finding that the petitioner herein had furnished fraudulent bank guarantees. Let this Court also be informed as to what action, if any, has been taken, against the responsible officials for allocating the tender without due verification and allowing the petitioner to continue with his work. Let a detailed reply be filed by the State as well as complainant-respondent No.2 well before the date fixed with an advance copy to the counsel for the petitioner.

In the meantime, limited till the next date of hearing to enable the State to file reply, no coercive action be taken against the petitioner herein.”

3. Learned counsel for the petitioner submits that in compliance of aforesaid order dated 02.03.2021 passed by the Co-ordinate Bench of this Court, the petitioner has joined the investigation number of time. Further the dispute between the parties arises out of contractual obligations and *prima facie*, the dispute between the parties is purely civil in nature and the registration of FIR(supra) is clearly an abuse of the process of law.

4. *Per contra*, learned counsel for the complainant vehemently opposes the prayer made by learned counsel for the petitioner on the ground that forgery has been committed by the petitioner as he has furnished a fake



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bank guarantee. Further, learned counsel for complainant has referred to the order dated 28.10.2022 passed by the Co-ordinate Bench of this Court, in which the petitioner had submitted that he was ready to compensate any loss suffered by the complainant.

5. In rebuttal, learned counsel for the petitioner submits that veracity of the bank guarantee being fake has been thoroughly examined and it was found to be a valid bank guarantee. Further, the anticipatory bail petition cannot be converted into recovery proceedings as laid down by Hon'ble Supreme Court in *Dilip Singh vs. State of Madhya Pradesh and others 2021(2) SCC(Cri) 106* and *Lalit Chaturvedi and others vs. State of Uttar Pradesh and others 2024(2) R.C.R.(Criminal) 73*. Further, the petitioner has not been paid even a single penny towards the work executed by him in terms of the agreement.

6. Learned State counsel on instructions from SI Rajbir Singh submits that in compliance of order dated 02.03.2021 passed by the Co-ordinate Bench of this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

7. I have heard learned counsel for the parties and gone through the case file with their able assistance.

8. Without commenting further on the merits of the case, lest it may prejudice the rights of either of the parties and keeping in view the specific stand taken by learned State counsel that custodial interrogation of the petitioner is not required and he has joined investigation, the order dated 02.03.2021, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.

9. The petition is accordingly disposed of.

23.07.2025	(HARPREET SINGH BRAR)	
Ajay Goswami	JUDGE	
	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>