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CRM-M-8266-2025
Date of Decision: 21.04.2025

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. P.S. Ahluwalia, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
966	27.12.2024	Sector 58, Faridabad	120-B, 419, 420, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 9 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from status report filed by State counsel, which reads as follows:

“3. That the brief facts of the present case are that a complaint was submitted by Rajbir Goyal on the allegations that he was running factory of manufacturing corrugated boxes under the name and style of M/s Chanda Paper Industry situated at Gali no.5, Krishna Colony, Sector-25, Faridabad. M/s Nikhil Footwears was a partnership firm of which Smt. Usha Devi and Shivani Aggarwal were the partners, Sh. Navneet Aggarwal was the authorized signatory of said firm whereas Rishikesh Mishra and Sanjeev Kumar were authorized representatives of concerned departments of the said firm. The said firm was running its business at plot nos. 6-7, HSIIDC Industrial Estate Footwear Park, Sector-17, Bahadurgarh, Haryana. All persons were responsible for day-to-day business and affairs of the firm. As per orders placed by M/s Nikhil Footwears from time to time, he supplied corrugated boxes



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to said partnership firm through various invoices to their full satisfaction. The material/boxes supplied by his firm were duly used by the said firm. The above named persons, against their existing liability, issued cheques for approximately Rs.95 lakhs after confirmation of balance with clear assurance that said cheques would be encashed on presentation. He presented the said cheques through his bankers but the same were dishonored due to 'payment stopped' and 'insufficient funds' in the account of Nikhil Footwears. He had already lodged complaints under section 138 of Negotiable Instruments Act before the learned JMFC, Faridabad. Accused persons extensively cross-examined the witnesses of complainant in the said complaints but with an intention to harass, humiliate and in order to delay the proceedings of the case, filed application under section 311 Cr.P.C. for further cross-examination of the complainant. The said application was dismissed by the learned JMFC, Faridabad vide order dated 14.7.2022 and thereafter the revision filed by the revisionists was also dismissed by the Court of Sh. Amrit Singh, learned Additional Sessions Judge, Faridabad vide order dated 9.11.2022. Thereafter, the accused persons preferred CRM-M No.57343 of 2022 in the Hon'ble High Court. There, accused persons placed receipts of Professional Couriers, A-35, Narayana Industrial Area, Phase-New Delhi i.e. receipt no.1 dated 23.09.2017 bearing no. DEL509472951 and receipt no.2 dated 01.03.2018 bearing no. DEL509524657. The courier receipts which were placed before the Hon'ble High Court by accused persons did not bear any stamp of complainant firm nor it did bear any signature of recipient. Considering the fact that it would take time in deciding the matter, the complainant gave no objection in allowing the said criminal revisions and same were allowed by the Hon'ble High Court vide order dated 10.4.2023. As per order dated 10.4.2023, the complainant was further cross-examined and accused persons in their evidence produced the above mentioned courier receipts which were tendered as Ex. DW3/B and Ex.DW3/D. The courier receipts produced by accused persons in their evidence were bearing fake and fraudulent seal as well as signatures. The name 'Ramjane' as the receiver was mentioned on one receipt while no name was legible on receipt dated 01.03.2018 and no record of the said courier receipts was available on the tracking website of Professional Couriers. Thus, the courier receipts Ex.DW3/B and Ex. DW3/D produced by accused persons in their evidence on 21.02.2024 were false and bogus documents knowing well that they were forged in their evidence before the Court of Sh. Vishesh Garg, the then learned JMFC, Faridabad. Legal action was requested against the accused persons."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner further submits that the matter has been compromised between the parties.
5. Counsel for the complainant does not dispute the aforesaid fact.
6. The State's counsel opposes bail and refers to status report.
7. It would be appropriate to refer to the following portion of status report which reads as follows:



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“9. That the role of the petitioner Usha Aggarwal in the present case is that she is the Partner in the accused company M/s Nikhil Footwear and she is directly involved in day to day affairs of the said company. The petitioner was actively involved in preparation of forged receipts of M/s Professional Couriers and affixing the forged stamp of complainant company upon the same.”

8. Given the nature of allegations coupled with the fact that parties have compromised the matter, this Court would not deny bail, however, it is clarified that this bail order shall neither be considered as a reason to quash the FIR nor shall come as hinderance in the way of the prosecution or the Court in case, there is violation of Sections 216/217 of BNS 2023 (Section 181/182 IPC earlier).

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading



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this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.