



139 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11152-2025

Date of Decision:27.02.2025

MOHAMMAD SHAKIB

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. B.S. Virk, Senior DAG, Haryana.
Mr. Gurdarshan Singh Sidhu, Advocate for the complainant.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.298, dated 08.08.2024 under Sections 318(2), 316(2) of BNS-2023 and Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code (for short 'IPC') registered at Police Station Sirsa Sadar, District Sirsa.

2. The facts, in brief, are that the present FIR was registered on the complaint of Sanjay Jain son of Gyan Chand Jain, resident of Suratgaria Bazar Sirsa, in which he stated that that he is doing the work of Commission Agent under the name and style of M/s Sanjay Kumar & Com. for the last several years. The accused (applicant) who is the proprietor of the firm Shiv Traders approached the complainant with a proposal to start a Rice Mill in August 2022 and allured him that he will run the rice mill properly, at this, the complainant asked him that he has no knowledge about rice mill and he



is doing the work of Commission Agent. At this, applicant said that he had been working with Vipin Singla in Singla industries for many years, due to which he has acquired all the knowledge of running the rice mill smoothly and assured the applicant that he will himself run the rice mill in every way and will handover the share of profit to the complainant, for every year. On the assurance of applicant, the complainant accepted his proposal for opening a rice mill and thereafter, the applicant introduced the complainant with the other accused in connection with the said rice mill and all the three accused under a well planned conspiracy caused financial and mental harm to the complainant and to unjustly enrich themselves kept contacting the complainant. Then applicant and complainant signed a partnership deed on 01.10.2022. After opening the rice mill it was agreed upon that the complainant shall look after the work of the market only and the applicant shall look after the work for buying, selling and manufacturing of the rice mill and accused no.2 will maintain the records of buying and selling of Rice and Paddy in the Mill and no good shall be imported or exported from the factory and without the signature/knowledge of accused no. 2 and accused No.3 would prepare profit and loss account and would also prepare the necessary tax statements for paying tax to the Government. Accused no.2 and 3 were employed in the factory by accused no 4. The accused took the complainant under false assurance and took his signature on some blank papers and upon blank cheques by saying that the complainant is partner of 60% share and his signature is required for smooth running of the mill and also obtained the password of the complainant's online bank account so that



the accused no. 4 could do NEFT transaction etc. As per partnership deed, no partner should do anything against the firm or to cause damage to firm but in pursuance of their conspiracy all the accused persons signed the deed and took the complainant into their trust and thereby caused financial and mental injury to complainant. The accused no. 4 also started doing business in the name of Mahalakshmi Rice Mill and by keeping the complainant in the dark, all the accused persons started running business in the said mill but after sometime when the accused persons did not gave any account and the share of profit to complainant then the complainant demanded the entire record of Mahalakshmi Rice Mill from the accused persons, on which the accused persons lingered on the matter and did not give record to the complainant whereas according to partnership deed, any partner can inspect the account and record of the firm, but the accused persons to achieve their nefarious design did not handover or showed any record to the complainant and the complainant was kept away from all types of work in Mahalakshmi Rice mill. The complainant tried many times to claim his rights as per partnership deed and to see the work of Rice mill, but the said accused never provide any information to the complainant regarding the work being done inside the said rice mill. The returns or statements of Mahalakshmi Rice mill were prepared with the connivance of the said accused by keeping the complainant in the dark and same were signed by the accused no. 4 only. On the asking of accused no.4, the complainant purchased paddy till march 2023 from the market and sent the same to Mahalakshmi Rice mill and accused no. 4 assured the complainant that the rice mill was running well



and they needed more goods and rice mill is not in loss. The accused no 4 has been running the firm Shiv traders Rania District Sirsa (under the name of accused No.1) for many years and accused no. 1 is sole proprietor of the same. The accused have shown that they have sold goods of Mahalakshmi Rice mill to above said firm and in this way they caused loss to Mahalakshmi rice mill and to complainant and kept sending all the goods to Shiv Traders. Total 82500 quantals of paddy and 28050 quantals of rice was purchased in Mahalakshmi rice mill. The full account of which was never given/handed over to the complainant despite his demand. In September 2023, the complainant was told by the accused no. 1 that the said rice mill was running in losses and a lot of payments in respect of "sale " Mahalakshmi rice mill had not been returned. When the complainant check all the records of Mahalakshmi Rice mill, then he got stunned to find that the accused persons in collusion with each other had sold about 33793.94 quantals of goods like rice and paddy of Mahalakshmi Rice Mill to their firm Shiv traders (Accused no.1) and 3368 quintal goods were shows purchased from Shiv Traders and neither any receipt nor any bill for the sold goods was shown on the firm's account, for which only a simple receipt and bill slip is present, which shows that the goods is being sold to accused no. 1. The accused persons in connivance with each other have embezzled the amount of Rs. 12 crores, which is still in their possession. When the complainant asked the accused persons about the said amount, they said that they had to embezzled and commit fraud with him and now he cannot do any harm to them and they have filed the income tax returns and outer



returns in collusion with accused No.3 and he cannot demand the record and money from them. Thereafter, the complainant with great difficulty somehow arranged the record of Mahalakshmi Rice mill and which revealed that goods were given to Shiv traders Rania by Mahalakshmi rice mill. On inquiring the matter at his own level, the complainant came to know that Shiv Traders Rania had purchased the goods from Mahalakshmi Rice mill and in this regard amount was embezzled by issuing some fake bill and a new rice mill namely Sun Light Rice Mill Ltd. Surtiya Road Village Rori, was opened by embezzlement amount and the accused was embezzling the goods of Mahalakshmi Rice Mill by the help of Sun Light Rice mill and further embezzling the profit of complainant by showing Mahalakshmi Rice Mill in losses and also cheating with the Government by presenting the fake documents. When the complainant contacted with the accused no. 3 and asked him to provide the correct record regarding the said rice mill or to get the return filed properly then the accused no. 3 clearly refused the complainant and accused no. 4 removed his mobile phone number from the Website of government and registered the mobile number of complainant as part of their conspiracy. On the basis of above complaint, the FIR as registered against the accused persons.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is on a better footing than the co-accused who is granted anticipatory bail by this Court in CRM-M-46700-2024, Rajesh Khanna Vs. State of Haryana,



decided on 19.09.2024. He further submits that the fact to be noted here is that the petitioner is merely an employee of M/s Mahalakshmi Rice Industry and he used to prepare the gate passes and maintain the record under the instructions of main accused, Rajesh Khanna.

On behalf of the State/complainant

Learned State Counsel appearing along with counsel for complainant on advance notice, on instructions from the Investigating Officer, did not oppose the instant petition since the petitioner has been attributed limited role and there is no needs for custodial interrogation.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, as the petitioner is not the primary accused and is merely an employee of M/s Mahalakshmi Rice Industry as he used to prepare the gate passes and maintain the record under the instructions of main accused, Rajesh Khanna, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation.

5. **Decision**

In the light of above, the petitioner is hereby 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 one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

27.02.2025

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