



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

**CRM-M-39235-2024 (O&M)
Date of decision: 10.03.2025**

Nikhil Aggarwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Samridhi Sareen, Advocate for
Mr. Raghujeet Singh Madan, Advocate for the petitioner.

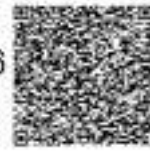
Mr. Neeraj Sheoran, DAG, Haryana for respondent No.1.

Mr. Rajesh Lamba & Mr. Abhinav Kaushik, Advocates
for respondent No.2/complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.075 dated 29.03.2024 (P-1), under Sections 406, 467, 468 & 471 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station BPTP, District Faridabad.

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(2) Allegations are that petitioner being the proprietor/owner of Aggarwal Sanitation has forged a “Full and Final Settlement” letter dated 07.08.2018.

(3) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 28.08.2024 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

(4) The factum of joining investigation is duly acknowledged by learned State Counsel, on instructions from Inspector Arvind Kumar; but he opposed the prayer of petitioner on the premise that veracity of Full and Final Settlement is yet to be examined.

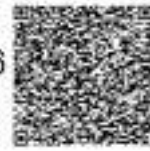
(5) Learned Counsel for the complainant has also opposed the prayer and submitted that petitioner prepared a fake & forged letter head of *de facto* complainant Firm and his custodial interrogation would be necessary to unearth the truth.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim bail by a Coordinate Bench, vide order dated 28.08.2024 and the same reads as under:-

“Apprehending his arrest the petitioner has filed this petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in case bearing FIR No.075 dated 29.03.2024,

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under Sections 406, 467, 468, 471 IPC, registered at Police Station BPTP, District Faridabad.

2. Learned counsel for the petitioner inter alia submits that civil and arbitration proceedings are pending between complainant and father of the petitioner and the present FIR has been lodged as a retaliatory move to exert pressure on the petitioner's father and the dispute which is civil in nature is being given colour of criminal offence. Further there is a delay of about 08 months in lodging the complaint and essential ingredients of the offences mentioned therein are not satisfied.

3. In compliance to order dated 22.08.2024, learned state counsel has filed reply dated 27.08.2024 in Court today, which is taken on record. A copy thereof has been handed over to the counsel for the petitioner.

4. In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) of Cr.P.C.:-

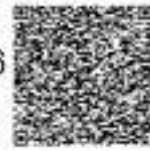
1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

2) That the petitioner 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.

3) That the petitioner shall not leave India without prior permission of the Court.

5. List on 01.10.2024.”

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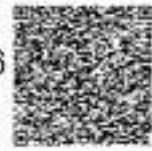
(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation.

(9) Concededly, alleged Full and Final Settlement dated 07.08.2018 was in the knowledge of complainant from the very beginning, as is evident from copy of Claim Petition (P-10), filed before the Micro Small and Medium Enterprises Facilitation Council, Meerut Zone, Meerut (Uttar Pradesh) [*for short* 'Council'] under the Micro, Small and Medium Enterprises Development Act (MSMED Act) of 2006 on 26.03.2022; wherein said Settlement has been annexed therein as Annexure A-13 and complainant has been regularly appearing in those proceedings since 2022 itself.

The present FIR has been registered after a period of about two years in the year 2024, whereby complainant is now claiming to be a forged and fabricated document; however, no such plea was raised by the complainant in the proceedings before the Council and such, the same can be termed as afterthought version; thus, plea raised by learned State Counsel & learned Counsel for the complainant is liable to be rejected outrightly.

(10) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 28.08.2024 is made absolute subject to the conditions as envisaged under Section 438 Cr.P.C.

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(11) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(13) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

10th March, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>