



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-17756-2024
Date of decision: 23.01.2025

Harjinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Alok Mittal, Advocate
for the petitioner.

Mr. Anurag Chopra, Addl. A.G., Punjab with
Mr. Rishab Bhola ACP, Jalandhar.

Mr. Arshdeep Singh Cheema, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.28 dated 14.02.2024 under Sections 406, 420 of the IPC, registered at Police Station Division No.8, Police Commissionerate, Jalandhar.

2. Additional affidavit of Rishabh Bhola, IPS, Assistant Commissioner of Police (North), Police Commissionerate Jalandhar, on behalf of the respondent-State, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Vide order dated 25.04.2024, the parties were referred to the Mediation and Conciliation Centre of this Court, however, the parties failed to reach any compromise.

4. Learned counsel for the petitioner contends that the allegations levelled in the FIR in question (Annexure P-1) are baseless and arise out of a civil dispute that has been given a criminal colour. Learned counsel for the petitioner has further made the following submissions:-

(i) The dispute stems from a contract dated 07.06.2021, followed by agreements dated 10.07.2021 and 26.07.2021 between M/s Chinar Forge Limited (complainant) and M/s AVEE Waives Ltd., Rajpura (firm of the petitioner).

(ii) The complainant supplied substandard goods that failed bacterial filtration tests as per reports dated 12.07.2021. Consequently, the shipment was rejected by Saudi Arabian Authorities, causing financial reputational losses to the petitioner.

(iii) There was no dishonest intention at the inception of the transaction nor any entrustment of property for dishonest misappropriation, and hence, essential ingredients for an offence under Section 420 and 406 of the IPC are not made out.

(iv) The complainant retained cheques worth Rs.48 lakhs issued by the petitioner as security.

(v) The petitioner provided documentary evidence, including agreements and payment receipts to Saudi authorities totaling USD 266,300, and USD 31,752.84 to establish good faith.

5. Learned counsel for the petitioner has argued that in the circumstances, the custodial interrogation of the petitioner would not be required and as the entire case of the prosecution hinges on

documentary evidence.

6. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has made the following submissions:-

(i) There are serious allegations against the petitioner of duping the complainant of over Rs.48 lakhs under the pretext of securing an export contract. The petitioner neither fulfilled contractual obligations nor refunded the money of the complainant.

(ii) The genuineness of the test report dated 12.07.2021 (Annexure P-4), relied upon by the petitioner, was verified from Sleen India Bizventure Pvt. Ltd., Agra. It was confirmed that the original test report was authentic, while a falsified version was submitted by the petitioner. In support, learned State counsel has drawn the attention of this Court to the true report (Annexure R-1) and falsified version (Annexure R-2), along with the verification report dated 22.01.2024 (Annexure R-3).

(iii) The falsified test report relied upon by the petitioner is dated 12.07.2021, whereas the relevant agreement is dated 26.07.2021, demonstrating clear forgery.

(iv) The goods manufactured by the complainant reportedly achieved an efficiency level of 95.9%, contradicting the claims of the petitioner of substandard quality.

(v) The Commissioner of Police, Jalandhar also sought verification of the agreement dated 26.07.2021 from the Foreigners Regional Registration Office (FRRO), Bureau of Immigration, Amritsar. It has been, therefore, prayed that the present petition be

dismissed the custodial interrogation of the petitioner is essential for uncovering the truth, investigating the allegations of forgery.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. *Prima facie*, there are serious and specific allegations against the petitioner. The alleged forgery of the test report and the duping of the complainant to the tune of Rs.48 lakhs under the pretext of securing an export contract with the Kingdom of Saudi Arabia are grave in nature. Therefore, in the light of serious allegations levelled against the petitioner, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.01.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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