



CRM-M-40-2024

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

CRM-M-40-2024

Date of Decision: 04.02.2025

Prem Chand and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Ahluwalia, Advocate for the petitioners.

Mr. Aashish Bishnoi, D.A.G., Haryana.

Ms. Sonia Bohat, Advocate for the complainant-respondent No.2

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
596	28.11.2023	Ambala Cantt, District Ambala	120-B, 406, 420, 506 IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 10.01.2024, interim protection was granted to the petitioners and the said order is continuing till date.
3. The facts and allegations are being taken from status report dated 03.10.2024, which reads as follows:-

*“4. That in this regard it is submitted that the Petitioners-Accused persons in order to cause wrongful loss and to get wrongful gain from the complainant hatched a conspiracy with each other and usurp the hard earned money of the complainant. The complainant is a contractor and is in a business of doing work of handling and transport of Food Corporation of India on tender basis. He engaged the petitioners-accused persons for the supervision of the work of handling and transport for the said purpose. The petitioners-accused persons used to get payments from the complainant on the pretext of making payments to trucks and labor and for certain miscellaneous works.*

*5. That thereafter on completion of the work, the complainant several times asked the petitioners-accused persons to provide the balance sheet of the expenditures done by them from the payments made to them by the complainant. The petitioners-accused persons*



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*started delaying the matter on one pretext or the other. Thereafter, when the accounts were settled between the complainant and the petitioners-accused persons, the amount of Rs. 2,65,00,000/- was found to be due against the petitioners-accused persons. The petitioners-accused persons failed to pay the said payment to the complainant and instead started demanding 1/3rd share in the profits and also threatened the complainant of dire 103 consequences.*

*6. That thereafter the complainant filed a complaint no. 2281 dated 02-05-2023 against the petitioners-accused persons. The petitioners-accused persons compromised the above matter with the complainant and in this regard a written compromise was entered into between the parties. Despite that the petitioners-accused persons failed to make payment to the petitioners-accused persons as per the said written compromise.*

*7. That thereafter, on complaint of the complainant, complaint no. 678-PW dated 24-11-2023 was registered and preliminary enquiry was conducted by the then SI Sultan Singh, Economic Offence Wing, Ambala. The statements of the concerned persons were recorded and the documents provided by them were examined. After enquiry it was found prima facie that the petitioners-accused persons have committed the offence under section 406,420,506 r.w.s. 120-B of IPC and ultimately the registration of FIR and the thorough investigation of the matter was recommended by the enquiry officer.*

*8. That thereafter FIR No. 596 dated 28-11-2023, u/s 120-B, 406, 420, 506 of IPC (Annexure P-1) was registered in Police Station Ambala Cantt. and the investigation was initiated by PSI Rohit Dhiman being investigation officer. The contents of the FIR are not repeated for the sake of brevity. During the investigation the record such as ledger books, statement of accounts, FCI tender letters, bills given by the petitioners-accused persons etc. were received from the concerned persons. The notice under section 41 of Crpc was also served upon the petitioners-accused persons on 03-12-2023 which was received by the wife of accused Bhupinder. Despite receiving said notice accused persons failed to appear before the IO and filed applications for granting them the concession of anticipatory bail. The said bail applications stands dismissed vide order dated 21-12-2023 (Annexure P-9 and Annexure P-10) passed by the learned Additional Sessions Judge, Ambala.*

*9. That thereafter, during the further course of investigation of the present case, one witness Ripudamanjeet Singh s/o Sukhwinder Singh appeared and stated that he never issued the bills to the petitioners-accused persons which were claimed by them from Mandeep Singh. On the basis of the statement suffered by Ripudamajeet Singh it was found that the petitioners-accused persons have claimed the payment against the forged bills, therefore, sections 408, 467, 468, 471 of IPC were also inserted in the present case.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail.



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6. While granting interim protection to the petitioners, a Co-ordinate Bench of this Court had passed the following order:-

*“Apprehending their arrest in FIR No.596 dated 28.11.2023, registered under Sections 120-B/406/420/506 IPC at Police Station Ambala Cantt. District Ambala, petitioners seek pre-arrest bail.*

*Learned counsel for the petitioners submits that even if the contents of the FIR are taken on its face value, it is evident that the parties are at loggerhead on account of dispute related to accounts. It is also evident from the contents of the FIR that the parties indeed entered into a compromise. He thus submits that the petitioners still stand by the compromise and are ready to perform their part by executing sale deed in favour of father of the complainant namely Jagjiwan Pal Singh.*

*Notice of motion for 26.02.2024.*

*On the asking of the Court, Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of respondent No.1-State.*

*Mr. S.K.Jindal, Advocate appears on behalf of respondent .2-complainant and submits that the petitioners be bound to execute the sale deed on a particular date and be also directed to shoulder the liability of trucker which is around Rs.15.00 lakhs.*

*Mr. P.S.Ahluwalia, Advocate on instructions submits that the petitioners are ready to perform both. In view of above, the petitioners are bound down to their undertaking. Both the parties shall appear before the Executive Magistrate on 19.02.2024 for execution of Sale Deed in favour of the father of the complainant namely Jagjiwan Pal Singh. All the expenses shall be borne by Jagjiwan Pal Singh. Apart from that it is the petitioners who shall pay to the truck operators in terms of compromise Annexure P-2.*

*In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”*

7. On 09.08.2024, this Court had passed the following order:-

*“Counsel for the petitioners submits that the matter has been settled between the parties and two sale deeds in terms of order dtaed 10.01.2024 have been executed.*

*Counsel for respondent No. 2 submits that an amount of Rs. 7.5 lakhs which was payable to the truckers, they are disputing and they do not validate it.*



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*However, counsel for the petitioners submits that even that amount has been paid and he has already handed over the bank statement to State counsel.*

*List on 06.09.2024.*

*State to file reply positively by the next date of hearing. In case, reply is not filed, then this Court shall direct the concerned Superintendent of Police to file the same.*

*Interim order to continue till the next date of hearing.”*

8. In the entirety of facts and circumstances of the case, it is not a case for custodial interrogation.

9. Given above, the petition is allowed. Interim order dated 10.01.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

04.02.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.