

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

(205)

CRM-M-12605-2015

Decided on: September 14, 2015.

Swaran Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. A.P.S. Mann, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

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

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Jagtar Singh alleging that the petitioner had approached the complainant with offer that he would provide good quality diesel in proper measurement and took advance money which was deposited in the bank account of the petitioner in bargain. The petitioner is alleged to have committed breach of the agreement and cheated the complainant.

Learned counsel for the complainant has intervened to oppose the application.

Learned counsel for the petitioner submits that the petitioner has got dispute with his son Kulwant Singh who is close friend of complainant. With the connivance of Kulwant Singh, the petitioner has been involved in the case.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant and gone through the police file which indicates that statements of Sadhu Singh, Gurdev Singh and Kulwant Singh son of Ajmer Singh have been recorded to indict the petitioner.

After hearing counsel for the parties, I am of the opinion that it is a case of rendition of account between the two contracting parties as per the allegations in the FIR. It will be debatable whether it is a case of civil liability or it involves criminal culpability of the petitioner. The petitioner has joined investigation. It does not appear to be a case of custodial interrogation where by way of arrest of the petitioner, the alleged amount is to be recovered. In said circumstances, the petitioner can be granted the concession of pre-arrest bail.

Petition is allowed. It is ordered that in case of arrest of petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and he will not tamper with the evidence or hamper investigation in any manner.

(M.M.S. BEDI)
JUDGE

September 14, 2015
harsha