

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

CRM-M NO. 29393 OF 2014

Date of decision: 4.02.2015

Kallem Raj Reddy

..... Petitioner

versus

State of Haryana

..... Respondent

Coram: Hon'ble Mr. Justice Amol Rattan Singh

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Susheel Gautam, DAG, Haryana.

Mr. Vipin Sharma, Advocate
for the complainant.

Amol Rattan Singh, J.(Oral)

This petition has come up for hearing today, after 15.09.2014, on which date interim bail was granted to the petitioner till today, on the condition of him surrendering his passport and on an assurance that the machine which was to be delivered to the complainant and for which admittedly payment of ₹ 1.55 crores has been taken as advance payment, would be so delivered to the complainant.

Today, learned counsel for the petitioner submits that the petitioner has not been able to obtain delivery of the machine, despite payment of Euro 6,000/-(approx. ₹ 4,80,000/-) to a company in Turkey, upon whom the order for machinery was placed, after the order placed on a company in Italy was not complied with by that company. However, admittedly, other than this amount, nothing more has been paid to the Company in Turkey either, to obtain delivery of the machine to be delivered

to the complainant.

In view of the above and despite the fact that almost five months have gone by after interim bail was granted to the petitioner, to enable him to either obtain delivery of the machine or to make good payment to the complainant, I see no reason to continue with the concession of interim bail to the petitioner.

It is necessary to be mentioned that though the dispute may otherwise have been purely civil in nature, however, atleast prima facie at this stage, in the opinion of this Court, since nothing was paid by the company of the petitioner to the company in Italy and only ₹ 4.8 lacs (approximately) was paid to the company in Turkey and neither the money i.e. ₹ 1.55 crores taken as advance from the complainant, has been paid back nor has any attempt been made to return any part of it, hence, intention to defraud the complainant, is apparent, especially in view of the fact that an undertaking was given on behalf of the petitioner, in this Court on 15.9.2014, that the petitioners' company (of which the petitioner is the Managing Director), would make 'all out' efforts to ensure that the machine is delivered to the complainant. However, not even a single document has been produced, to show any effort on the part of the petitioner or his company, to try and ensure that the delivery of the the machine is made.

In view of the above, this petition is dismissed. Interim bail granted vide order dated 15.09.2014 is canceled and the bail bonds furnished shall stand forfeited.

However, nothing said heareinabove shall be taken to be a comment on the merits of the case, which would be adjudicated upon by the trial court, purely on the evidence led before it, since the report is under Section 173 Cr.P.C. is stated to have already been filed against the

petitioner, in the appropriate court.

4th February, 2015
Shivani Kaushik

[AMOL RATTAN SINGH]
JUDGE