

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

(212)

CRM-M-31886-2015

Decided on: October 29, 2015.

Amit Bansal and another

.... Petitioners

Versus

State of Punjab

..... Respondent

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

Present: Mr. Rose Gupta, Advocate, for the petitioners.

Mr. Gazi Mohammad, DAG, Punjab.

Mr. Rohit Khanna, Advocate, for the complainant.

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

The petitioners were allegedly supplied raw material in the year 2011 and 2012 to return finished articles but they allegedly misappropriated the goods and not supplied the finished articles as per the promise. The FIR was registered in the year 2014.

In view of the said delay, the liberty of the petitioners cannot be curtailed by declining pre-arrest bail where the complainant party has got an alternative remedy to recover the loss on account of non-performance of part of the contract between the parties, by the petitioner-accused. No doubt, the culpability of the petitioners has been determined by the Special Investigation Team but custodial interrogation, at this stage, will not be of any use as the liability is to be determined on the basis of the account books and the other documentary evidence.

Petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the arresting officer subject to the following conditions:-

- (1) Petitioners will join investigation as and when required; and
- (2) Petitioners will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

October 29, 2015
harsha