

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

**CRM-M No.36628 of 2015 (O&M)
Date of Decision: 07.12.2015**

Junaid A. Syed

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Shranan Katyal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State along with SHO/Inspector Brij Mohan.

Mr. Kanwaljit Singh, Senior Advocate assisted by
Mr. Amandeep Singh Meho, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail to the petitioner in case FIR No. 98 dated 01.07.2013, under Sections 420, 406, 120-B of the Indian Penal Code, registered with Police Station Division No.2, Ludhiana City, District Ludhiana **(Annexure P-4)**.

The complainant is engaged in the import and export business of various commodities including scrap and functioning under the name and style of M/s. Laj Impex.

The petitioner/accused is one of the Directors of another Firm under the name and style of M/s. Almas Export and Import Private Limited, having Branch Offices at Mumbai, Lucknow and in Saudi Arabia. There were two Invoices of 2008 and 2009 respectively sent by the Company of the petitioner/accused for supply of huge quantity of scrap. The complainant party is stated to have paid a sum of almost

Rs.4 Crores (in Indian currency) towards purchase of the said quantity of scrap. The accused Firm is stated to have supplied only a portion of the demanded quantity.

The allegations levelled against the petitioner/accused are that they through out had the criminal intent to cheat the complainant party.

Learned Counsel for the petitioner/accused contends that the dispute is of civil nature and no offence as such is made out. Even otherwise, it is stated that the petitioner is in custody since 25.08.2015 and after completion of the investigation, the challan was presented on 21.10.2015.

Learned Counsel for the complainant contends that huge amount of recovery is yet to be effected, therefore, the petitioner is not entitled for the concession of regular bail.

Learned State Counsel, on instructions from Inspector Brij Mohan, submits that one of the co-accused is absconding and is yet to be arrested, therefore, opposes the present bail application, however, concedes that the case is at the stage of framing of charges.

Without commenting on the merits of the case, keeping in view the custody period and the fact that the case is triable by the Magistrate and the investigations qua the petitioner are over, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Ludhiana.

Disposed of.

December 07, 2015
Gagan

(JASWANT SINGH)
JUDGE