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

C.R.M-M No.41963 of 2014 (O&M)

Date of Decision : 08.12.2015

Dilpreet Kaur and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.K. Dogra, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Yogesh Goyal, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.254 dated 20.11.2014, registered under Sections 406, 420 IPC, at Police Station Division No.5, Civil Lines, Ludhiana.

The allegations against the petitioners were that they owed a substantial amount of money from the complainant for good supply and then they induced the complainant to enter into a business deal whereby they would import raw rubber and on this inducement the complainant gave them

another sum of Rs.10 lacs but neither they have imported any rubber nor they have returned money of the complainant.

Learned counsel for the petitioners has argued that there is no allegation that the petitioners had dishonest intention from the beginning. It is a case where the business proposition did not work and at best its a civil dispute. Parties were also referred to mediation but the mediation could not fructify. He has further argued that the FIR is an abuse of the process of law in so much as it is a substitute what may at best be a case of suit for recovery.

Learned counsel for the complainant as well as the learned Additional Advocate General have argued that the petitioners actually had a dishonest intention from the beginning.

In my opinion, this is a question of fact and in case the petitioners are found guilty they would be liable to suffer whatever punishment is imposed upon them but at this stage it is not a case of custodial interrogation. In these circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners.

Resultantly, the interim order dated 09.12.2014 is made absolute. Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

December 08, 2015

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**(AJAY TEWARI)
JUDGE**