

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-11643 of 2016

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Date of decision:10.8.2016

Vishal Bhalla

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

Mr. Munish Raj, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.12 dated 2.3.2016 registered at
Police Station Rurke Kalan, District Barnala for the offence under Section
420 IPC.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has
put in appearance on behalf of the respondent-State and Mr. Munish Raj,
learned Advocate has appeared for the complainant and contested this
petition.

I have heard learned counsel for the petitioner as well as
learned Assistant Advocate General, Punjab appearing for the respondent-
State and learned counsel appearing for the complainant and have gone
through the record.

The FIR in the present case has been registered on the

application of complainant-Naib Singh. It has been alleged that an agreement has been entered into between the complainant and the petitioner for construction of 'Poly house' in the year 2013 and in pursuance thereto a sum of ₹30 Lacs had been entrusted to the present petitioner over a period of time, but neither he has constructed the 'Poly house' nor returned the money.

Learned counsel for the petitioner contended that a sum of ₹15 Lacs was received from the complainant and the corresponding work for establishment of 'Poly house' to such extent was undertaken and the balance work not being done only for the reason that the remaining amount has not been forthcoming.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner has already joined the investigation and he is not required for custodial interrogation, I find that no useful purpose will be served by sending the petitioner to custody.

Therefore, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 4.4.2016 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 10, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No