

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

**CRM-M No.12410 of 2016 (O&M)
Date of Decision: 16.05.2016**

Vijay Kumar and another

..... Petitioners

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Karan Singh, Advocate for the petitioners.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Supinder Singh.

Mr. R.S.Rawat, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioners, namely, Vijay Kumar and Rohit Kumar in case FIR No.34 dated 19.02.2016 for the offences punishable under Sections 420, 406, 120-B of the Indian Penal Code, registered with Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

The complainant-Kulbhushan is involved in supply of Iron material from Mandi Gobindgarh to his customers situated in different cities.

The petitioners are engaged in the business of construction and, therefore, purchase Iron material from dealers in Mandi Gobindgarh.

The allegations of the complainant are that the accused had purchased 7/8 quintals of Iron from the other firms at Mandi Gobindgarh, however, that had offloaded the material sent by the complainant and meant for other purchasers at Dera Bassi. The offloading of the material worth Rs.41,16,227/- from the trucks is between periods 1.4.2015 to 22.06.2015.

It was contended that on account of discontinuing purchase from the complainant, false allegations have been levelled against the present accused. It was next contended that it is quite strange that the drivers of the trucks carrying said material or the dealers who had not received the said material had never complained to the complainant for period over almost 07 months. It is next contended that if at all the dispute is of civil nature.

Learned State Counsel, assisted by ASI Supinder Singh, submits that the petitioners have joined the investigation, however, the allegations of offloading material meant for others is on account of statements of the drivers.

Learned Counsel for the complainant opposes the confirmation of the pre-arrest bail.

From the above, it is apparent that before any criminal intent can be attributed, matter requires leading of proper evidence, moreso of civil nature.

In view of the above, interim protection/pre-arrest bail granted by this Court, vide order dated 11.04.2016, is made absolute.

Disposed of.

May 16, 2016

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**(JASWANT SINGH)
JUDGE**