

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

CRM-M No.1317 of 2016 (O&M)

Date of Decision: 06.04.2016

Mohan Lal

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harjit Singh, Advocate for
Mr. Jagraj Singh Khiva, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by A.S.I. Major Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of pre-arrest bail under Section 438 Cr.P.C. to the petitioner/accused-Mohan Lal in case FIR No.130 dated 26.11.2015, under Section 406 of the Indian Penal Code, registered with Police Station Sadar Mansa, District Mansa.

On 18.01.2016, the following order was passed:-

“ Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Nirbhai Singh alleging that the petitioner had purchased three Eishar Tractors and one 'piter rehra' and cotton crop @ Rs.4500 per quintal for sum of Rs.5,19,300/- but has not paid its sale consideration. The complainant appears to have telephoned the petitioner a number of time. The complainant claims that sum of Rs.6,44,300/- is payable till 18.06.2015.

During course of investigation, the petitioner appears to have admitted his liability to the extent of Rs.72,000/-.

Learned counsel for the petitioner has submitted that as per his account-books, the remaining amount has been paid to the complainant.

Prima facie, it appears to be a case of civil liability arisen out of money transaction/non-payment of consideration for the goods sold.

No opinion can be formed at this stage, whether the account-books maintained by the petitioner are admissible and relevant being maintained in ordinary course of business. However, in view of the fact that the petitioner admits his liability at Rs.72,000/- on the basis of transactions between two parties, I deem it appropriate to enable him to join investigation simultaneously discharging the extent of liability admitted by him.

Notice to Advocate General, Punjab for 18.02.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 30.01.2016 between 10:00 AM to 04:00 PM along with the documents and a bank draft of Rs.75,000/- in the name of the complainant without prejudice to the right of the complainant to recover the remaining amount in accordance with law. In case of petitioner doing so, he will be released on interim bail to the satisfaction of the arresting officer. ”

Learned State Counsel, assisted by ASI Major Singh, submits that neither the petitioner has joined the investigations nor the amount has been deposited/paid, as directed by the aforesaid order.

After hearing learned Counsel for the petitioner, it is apparent that there was conditional interim bail granted vide order dated 18.01.2016 and that having not availed, no further orders are required to be passed.

Accordingly, the present petition stands dismissed.

April 06, 2016

Gagan

**(JASWANT SINGH)
JUDGE**