

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 13932 of 2016

Date of decision: 25.5.2016

Radhey Sham

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Daldeep Singh, Advocate.
Ms. Simsi Dhir, Advocate.
Mr. , Advocate

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of complainant Jatinder Kumar alleging that the complainant himself is the sole proprietor of M/S Salasar Rice Mills, whereas the petitioner, taking advantage of the relationship between the parties, committed theft of letter pads and prepared forged and fabricated mutual agreement and caused financial loss to the complainant.

Pursuant to the interim order passed by this court, the petitioner has joined the investigation, as per the instructions of ASI Lakha Singh.

After hearing counsel for the parties, it appears that the complainant had, on similar allegations, filed a private complaint against the petitioner in the year 2011, in which he was granted the concession of pre- arrest bail vide order dated 4.3.2015 (Annexure P-8). On the same allegations, the FIR has been registered at the instance of the complainant.

Taking into consideration the above circumstances, it does not appear to be a case of custodial interrogation. Counsel for the complainant has vehemently urged that the fabricated documents have been used by

the petitioner to cause serious prejudice to the complainant.

Taking into consideration the totality of the circumstances, it does not appear to be a case of custodial interrogation, especially when in the similar allegations in a private complaint, the petitioner has been granted the concession of pre-arrest bail, prior to the registration of the FIR.

Accordingly, the petition is allowed. Interim order dated 26.4.2016 is hereby made absolute subject to all the conditions u/s 438(2) Cr.P.C.

May 25 ,2016
TSM

(M.M.S.BEDI)
JUDGE