

CRM-M-20695-2015 (O&M)

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

**CRM-M-20695-2015 (O&M).
Decided on: February 26, 2016.**

Jagdish Rai and others

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Nakul Sharma, Advocate,
for the petitioners.**

Ms.H.K.Athwal, DAG, Punjab.

**Mr.Vikas Mohan Gupta, Advocate,
for the complainant**

M.M.S. BEDI, J (ORAL).

Petitioners seek concession of pre-arrest bail in a case registered at the instance of Ishu Bansal alleging that proprietorship firm of the complainant M/s Gemini Steel had business dealings of importing iron and scrap with the petitioners being partners of M/s Harchand Steel Industries and had taken scrap worth Rs.9,17,393/-. The amount having not been paid to the complainant, an FIR under Sections 406 & 420 IPC, has been registered against the petitioners.

The petitioners claim that it is a case of civil liability and has offered to repay the amount within a period of one year. In order to test bona fide of the petitioner, a direction was issued on

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11.1.2016 by this Court for handing over a bank draft of Rs.3 lacs in the name of the complainant by 6.2.2016 on joining investigation.

Counsel for the complainant present in the Court has submitted that the bank draft has already been given.

I have considered the offer of the petitioners and the extent of their culpability which prima facie appears to be a combination of civil as well criminal liability.

In view of petitioners having expressed intention to clear the dues within reasonable period, I do not deem it an appropriate case where detention of the petitioners should be permitted.

The petition is allowed. It is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

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i) that the petitioners will join investigation as and when required;

ii) that the petitioners will pay another sum of Rs.3 lacs on or before 6.4.2015 to the complainant in the shape of bank draft and hand over a copy of the bank draft to the Investigating Officer by 9.4.2016. The balance amount will be paid by the petitioners within a period of six months after 6.4.2016.

Above said condition has been imposed on the basis of voluntary offer made on behalf of the petitioners.

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In case of violation of any of the conditions, it will be open to the complainant to seek remedy of recovery of the amount or approach this Court for appropriate legal action in accordance with law.

CRM-36354 of 2015 is allowed. The order passed will be applicable in the added offence under Sections 465, 468 & 471 IPC.

February 26, 2016.
rka

(M.M.S. BEDI)
JUDGE