

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

CRM-M No.27784 of 2015

Date of Decision:-03.05.2016

Rahul Bhardwaj.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rahul Rampal, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Harbhajan Singh.

Mr. Ankur Ghai, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner-Rahul Bhardwaj in case FIR No.138 dated 15.07.2015 for offences punishable under Sections 406 and 420 of Indian Penal Code registered with Police Station Division No.7, Ludhiana.

The allegations of the complainant Mukesh Kumar are that the he had supplied a consignment of cloth worth Rs.20,35,000/- to the petitioner-accused for fabrication of shirts. Neither the shirts were furnished nor cloth returned nor the amount paid.

It is averred that a civil dispute had arisen between the parties

as the complainant on account of defective fabrication of shirts had refused to accept the consignment of fabricated shirts.

It is contended that the dispute essentially is of civil nature. That apart the petitioner has already refunded a sum of Rs.13 lacs by sale of his house as agreed upon in the Panchayati compromise. The amount is stated to have been paid through a mediator Kapil Dhand.

Counsel for the complainant has submitted that no amount has been returned and the alleged return of Rs.13 lacs to the said Kapil Dhand is all a set up theory on behalf of the accused party as the complainant has absolutely no relation, much less any business relation with the said Kapil Dhand.

Learned State Counsel assisted by ASI Harbhajan Singh admits that the mediator Kapil Dhand has stated regarding the receipt of 13 lacs from petitioner-accused Rahul towards offsetting the claim of the complainant, who in turn owed similar amount to Kapil Dhand. He further states that petitioner has joined investigation.

Without commenting on the merits of the case, keeping in view the dispute being of civil nature, this Court is of the opinion that the present petition deserves to be allowed. Accordingly the interim bail granted to the petitioner vide order dated 19.10.2015 is hereby made absolute.

(JASWANT SINGH)
JUDGE

May 03, 2016
Vinay