

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-27817 of 2015 (O&M)

Date of Decision: 04.04.2016

Arun jain

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. R.S. Dadwal, Advocate for
Mr. Aman Chaudhary, Advocate for
respondent no.2/Punsup.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.105 dated 10.6.2015 under section 406 I.P.C, registered at Police Station, City Samana, District Patiala.

In a nutshell, F.I.R was registered on a complaint given by District Manager, Punsup, Patiala with the accusation of misappropriation of paddy which had been entrusted to the petitioner for purposes of custom milling. As per Punsup the shortfall would translate into a monetary consideration of Rs.1,37,00,000/- approximately.

On 20.8.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner has submitted that the petitioner had deposited ₹38,00,000/- with the Corporation in the year 2013. Arbitration proceedings are pending between the parties. Now, as per the prosecution case, the amount due against the petitioner is ₹86,00,000/-.

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Petitioner has already mortgaged his land with the Corporation which is worth ₹1,48,00,000/-.

Notice of motion for 15.09.2015.

In the meantime, in the event of arrest, petitioner be admitted to interim bail subject to the satisfaction of the Arresting Officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned State counsel upon instructions from ASI Baljit Ram would apprise the Court that the petitioner has since joined investigation.

Learned State counsel as also counsel appearing for respondent no.2/Punsup have not been able to rebut the contentions raised on behalf of the petitioner and as contained in the notice of motion order itself.

Arbitration proceedings in relation to the dispute with regard to the same very shortfall of paddy are still stated to be pending.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 20.8.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.04.2016

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