

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 209

Criminal Miscellaneous No.M-28864 of 2016 (O & M)
Date of Decision: August 31, 2016

Pawan Kumar

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Babbar Bhan, Advocate, for the petitioner.

Ms. Neelam Kashyap, Deputy Advocate General,
Haryana, assisted by Mr. Manoj Kumar Sood, Advocate,
for the complainant.

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Jaspal Singh, J

1. By virtue of the instant petition preferred under Section 439 Cr.P.C., petitioner has sought regular bail in case FIR No.576 dated July 24, 2014 under Sections 420, 406, 506 IPC, registered at Police Station, Sadar, Bhiwani.
2. Undoubtedly, petitioner was arrested in this case on July 19, 2016. After subjecting him to custodial interrogation, he was remanded to judicial custody, meaning thereby, his custodial interrogation was not required for further investigation. Moreover, it is an undisputed fact that Memorandum of Understanding dated April 22, 2013 (Annexure P-2) was executed between the parties, according to which, there is an arbitration

clause and if any dispute arises between the parties, the same is to be referred to the Arbitrator under the provisions of the Arbitration and Conciliation Act, 1996.

3. Taking into consideration the aforesaid aspects but without expressing any opinion even with regard to Memorandum of Understanding and arbitration clause, and keeping in view the fact that petitioner is already in custody since July 19, 2016, the instant petition is allowed. Petitioner is ordered to be released on bail subject to the satisfaction of Trial Court/Duty Magistrate.

August 31, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No