

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-30868 of 2016

Date of Decision: September 2, 2016

Surender Kumar Hooda

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

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

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Present:- Mr.J.S. Bedi, Sr. Advocate with
Mr. S.S. Sarao, Advocate
for the petitioner.

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

Having been summoned by respondent No.2 DSP, (Investigation), office of SSP, SAS Nagar, Phase I, Mohali, Punjab, in a complaint filed by Laxmi Reexin Reliable Pvt. Ltd., dated June 20, 2016 regarding breach of an agreement dated February 7, 2014, the petitioner has approached this Court for grant of pre-arrest bail.

It has been urged by counsel for the petitioner that the petitioner had appeared through his counsel but copy of the complaint has not been supplied.

Since the petitioner has filed the present petition under Section 438 Cr.P.C. without approaching the Sessions Court and on account of

absence of any specific criminal case having been registered against the petitioner, this petition is not maintainable.

However, taking into consideration the right of liberty of the petitioner under Article 21 of the Constitution of India, the liberty of the petitioner till registration of case can be secured as the offence prima facie appears to be an economic offence in which the matter can be inquired into.

Notice to Advocate General, Punjab.

On the asking of the Court, Ms.H.K. Athwal, DAG, Punjab, accepts notice.

This petition is disposed of with a direction that in case the petitioner is required for the purpose of any inquiry by respondent No.2 or any other authority, the provisions of Section 160 Cr.P.C. will be complied with and in case of registration of a criminal case, a notice of seven days will be given to the petitioner to enable him to avail the legal remedy available to him.

This order will remain operative only in the circumstances of the present case in any complaint of Laxmi Reexin Reliable Pvt. Ltd. and Talwinder and will remain operative only for a period of six months.

September 2, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.