

CRM-M-31919-2015 (O&M)

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

**CRM-M-31919-2015 (O&M).
Decided on: January 20, 2016.**

Kuldeep Singh Dhalla

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

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

**PRESENT Mr.G.S.Benipal, Advocate,
for the petitioner.**

Mr.K.S.Pannu, DAG, Punjab.

**Mr.P.K.S.Phoolka, Advocate,
for the complainant.**

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

Petitioner, Ex-President of Vishavkarma Motor Market Society, seeks concession of pre-arrest bail in a case registered at the instance of Babu Singh claiming to be the new President of the Society, alleging that the petitioner has refused to hand over the documents, funds and keys of the Donation Box of the Society to the complainant.

Counsel for the complainant has also intervened to oppose the application for pre-arrest bail.

Pursuant to the interim order dated 18.9.2015, the petitioner has already joined investigation.

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State counsel, on the instructions of ASI Jagjit Singh, informs that the petitioner has handed over xerox copies of the record in his possession. It is also an admitted fact that a civil suit has been filed by Vishavkarma Motor Market Society through Jagjit Singh alleging that the petitioner and complainant have no right or title in the affairs of the Society. Rights of the petitioner and the complainant appears to be sub judice before the civil Court also.

It is not out of place to observe here that counsel for the petitioner has stated that he has got instructions to state on behalf of his client that the petitioner will produce the original records as and when required either before the civil Court or before the Investigating Officer if deemed appropriate and offer the record for notarizing the same and acquiring by way of recovery memo in case desired by the Investigating Officer.

In view of above circumstances, it does not appear to be a case of custodial interrogation.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join the investigation as and when required and will not tamper with the evidence or hamper investigation, in any manner. He will hand over the list of the documents/registers in his possession and would make all the original records available to the Investigating Officer as and when desired for retaining the same in original permitting the

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petitioner to retain the notarized copies or to take possession of the original documents, get the same notarized and return the original. The petitioner will also make available the record before any Court in case he remains in possession of the original documents.

January 20, 2016.
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(M.M.S. BEDI)
JUDGE