

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

CRM-M No. 33271 of 2015 (O&M)

Date of Decision: 12.01.2016

Prithvi Raj Doomra and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Rai, Sr. Advocate, assisted by
Mr. Anurag Arora, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab
for the respondent/State assisted by HC Ashwani Kumar.

Mr. H.S. Brar, Advocate for the complainant.

JASWANT SINGH, J. (ORAL)

Two accused/petitioners i.e. Prithviraj Doomra and his son Mukesh Kumar Doomra have prayed for grant of anticipatory bail in case FIR No. 120 dated 21.08.2015, for offences punishable under Sections 420 and 406 of the Indian Penal Code, registered at Police Station Gate Hakiman, Amritsar, District Amritsar.

As per allegations, complainant-Rajiv Kumar was induced by the accused/petitioners to make a payment of Rs. 20 lacs for sending his son abroad. Neither the money was returned nor the son was sent abroad.

It is contended that the petitioners are the owners of Rice Mill functioning under the name and style of P.M. Industries and the complainant was functioning as Commission Agent and had deep rooted business relations with the aforesaid firm as can be inferred from the document of complainant at **Annexure P-4**. It is next submitted that since there was a monetary dispute between the parties, a false case has

been foisted upon the petitioners, so as to put pressure for recovering the alleged outstanding amounts. The son to be sent abroad is stated to be only 10+2 pass and not even so bright so as to secure his admission abroad.

Upon notice, reply of Assistant Commissioner of Police (Central), Amritsar, has been filed on the State. A perusal of the same, in sum and substance reveals that the petitioners had usurped payments of various Commission Agents of food grain market from whom they had purchased goods/Basmati paddy. The petitioners are stated to have indebted totaling around a sum of Rs. 7½ crores to as many as 101 Trading Companies/Commission Agents.

Learned State Counsel, assisted by HC Ashwani Kumar and counsel for the complainant have argued on the lines of the statement made in the written statement. Learned State Counsel has further submitted that the petitioners have joined the investigation and their custodial interrogation is required for effecting recovery of money.

After hearing learned counsel for the parties, it is apparent that the petitioners are in default of their financial commitments to various Commission Agents, however, in the backdrop of facts, it is highly debatable that the son of complainant was to be sent abroad as no material is on file. The role of Investigating Agency is not to act as a recovery agent.

Without commenting on the merits of the case, pre-arrest bail granted to the petitioners vide order dated 29.09.2015, passed by this Court, is made absolute.

It is clarified that anything observed herein shall not be construed as opinion on the merits of the case.

Disposed of.

January 12, 2016

(JASWANT SINGH)
JUDGE