

CRM-M-40484-2015 (O&M)

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

**CRM-M-40484-2015 (O&M)
Decided on: February 16, 2016.**

Avtar Singh Mehra

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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

**PRESENT Mr.Jasbir Mor, Advocate,
for the petitioner.**

Ms.H.K.Athwal, DAG, Punjab.

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

Petitioner is a doctor. He seeks concession of pre-arrest bail in a case registered at the instance of Ajit Ram Saini alleging that pursuant to advertisement given by him on 8.2.2014 for seeking services of a MBBS doctor for running his hospital in his village Bela, Tehsil Chamkaur Sahib, the petitioner agreed to run the hospital with a condition that he would keep the income of the hospital for first three months with him and later on the income would be divided in the ratio of 50:50. The petitioner allegedly started his duty on 2.4.2014 and borrowed a sum of Rs.1,50,000/- from the complainant vide a cheque with a promise that he would return the said amount. The petitioner is alleged to have cheated the complainant by misappropriating the amount received by him for

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different purposes. The petitioner is alleged to have received different amounts at different times for purchasing machinery for the hospital but had misappropriated the said amount. He is also alleged to have taken away certain machines from the hospital.

State counsel, on the instructions of ASI Raj Kumar informs that the petitioner has joined investigation. He appears to be not required for custodial interrogation. The dispute between petitioner and the complainant appears to be a combination of civil and criminal liability.

Without prejudice to the right of the complainant to recover the amount from the petitioner, 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 investigation as and when required and will not tamper with the evidence or hamper investigation, in any manner. He will also not leave India without prior permission of the trial Court.

February 16, 2016.
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(M.M.S. BEDI)
JUDGE