

CRM-M-43580 of 2015 (O&M)

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

Date of Decision: October 24, 2016.

(1) CRM-M-43580 of 2015 (O&M).

Amandeep Singh
.. Petitioner(s)

VERSUS

State of Punjab
.. Respondent(s)

*** * ***

(2) CRM-M-4975 of 2016 (O&M).

Tarlok Singh
.. Petitioner(s)

VERSUS

State of Punjab
.. Respondent(s)

*** * ***

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

PRESENT Ms.Isha Goyal, Advocate,
for the petitioner in both the petitions.
Ms.Simsi Dhir Malhotra, DAG., Punjab.
Mr.Aman Sharma, Advocate, for
complainant-respondent No.2.

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

This order will dispose of the above noted two petitions i.e. CRM-M-43580 of 2015 filed by Amandeep Singh and CRM-M-4975 of 2016 filed by Tarlok Singh, for the grant of pre-arrest bail in FIR No.66 dated 23.4.2015, under Sections 406, 420 and 120-B IPC, registered at Police Station, Ghall Khurd, District Ferozepur.

The petitioners are partner of M/s Satguru Kirpa Rice and General Mills, Talwandi, and in the said capacity are alleged to be responsible for the shortage of the rice from the paddy handed over to the petitioners for milling.

During the course of arguments, counsel for the complainant PUNSUP, has argued that the liability of the petitioners is to the extent of Rs.1.62 crore whereas the petitioners claim that this liability is to the extent of Rs.45 lac only subject to the final adjudication by the Arbitrator who has already been appointed.

After hearing the learned counsel for the petitioners as well as counsel for the complainant and the State counsel, I am of the opinion that it is a case of combination of civil and criminal liability. The petitioners under the directions of this Court have deposited the total sum of Rs.50 lac without prejudice to the rights of the petitioners to contest the claim of the complainant PUNSUP regarding the quantum of loss alleged to have been caused by the petitioners to the complainant.

In view of the fact that arbitration proceedings are

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pending, the exact liability is yet to be calculated.

The petitioners have already joined investigation. It does not appear to be a case of custodial interrogation. The petitioners can also not be sent behind bars as a penalty measure or as an arm twisting device to recover money especially when they have paid a sum of Rs.50 lac during pendency of the present petition.

Both the petitions are allowed. It is ordered that in case of arrest of the petitioners, they shall be released on bail to the satisfaction of the arresting officer subject to the following conditions: -

- i) the petitioners will join investigation as and when required; and
- ii) the petitioners will not tamper with the evidence or hamper the further investigation, in any manner, regarding the calculation of the exact liability.

Nothing mentioned in this order will affect the adjudication of arbitration or other civil proceedings.

(M.M.S. BEDI)
JUDGE

October 24, 2016.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No