

Sr. No.213

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

**CRM No. M- 4584 of 2016
Date of Decision: 23.02.2016**

Gurvinder Singh @ Gurinder Singh @ Ladi

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. J.S.Toor, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

Mr. Deepak Sabherwal, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

Counsel for the parties are ad idem that the total amount in dispute was Rs.10,42,000/- (Rs. Ten Lac and Forty Two Thousand only) and out of which a total amount of Rs.6,00,000/- (Rs. Six Lac only) already stands transferred to the account of the complainant through RTGS after the registration of the FIR.

Counsel appearing for the petitioner would contend that the dispute is essentially civil in nature and even the outstanding balance amount of Rs.4,42,000/- (Rs. Four Lac and Forty Two Thousand only) is available with the petitioner to be made over to the complainant.

Counsel has even furnished in Court today a demand draft for Rs.4,42,000/- (Rs. Four Lac and Forty Two Thousand only) in the name of the company in question and which has been handed over to Mr. Deepak Sabherwal, learned counsel appearing and representing the complainant.

Even the two cheques dated 03.12.2015 and 07.12.2015 that had been issued by the petitioner in the name of the company have been returned to the counsel for the petitioner in Court today.

In view of the facts and circumstances noticed hereinabove, custodial interrogation of the petitioner would not be warranted.

The present petition is, accordingly, allowed.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

- (i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;*
- (iii) that the petitioner shall not leave India*

without the prior permission of the Court.”

Petition disposed of.

23.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**