

CRM-M-7635-2016 (O&M)

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

**CRM-M-7635-2016 (O&M).
Decided on: April 27, 2016.**

Manjit Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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

**PRESENT Mr.Mandeep Kaushik, Advocate,
for the petitioner.**

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

**Mr.Tarun Singla, Advocate,
for the complainant.**

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

State counsel, on the instructions of ASI Gobind Singh informs that the petitioner has joined investigation under the directions of this Court.

Counsel for the complainant has intervened to oppose the application contending that the petitioner has not cleared the accounts by making payments for the fuel which was filled in his vehicles since 2012.

Counsel for the petitioner has submitted that only a sum of Rs.50,000/- is due and that the payments already made have not been taken into account while levelling allegation of having not

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cleared the payments for the diesel purchased on credit basis by the petitioner.

I have heard the counsel for the petitioner, State counsel as well the counsel for the complainant. It appears that there is dispute regarding settlement of account between the seller and the purchaser where the purchaser admits his liability to the extent of Rs.50,000/- whereas the claim of the seller is Rs.4,80,000/-. Striking a balance between the right of liberty of the petitioner and claim of the complainant, I deem it appropriate to grant the concession of pre-arrest bail to the petitioner subject to the conditions that he will pay a sum of Rs.75,000/- to the complainant which will be subject to final settlement of accounts between the parties. The payment of said amount, will not, in any manner, prejudice the right of the complainant during pendency of proceedings under Section 138 of the Negotiable Instruments Act, or any other proceedings pending or likely to be launched against each other in future.

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 following conditions: -

- i) that the petitioner will join investigation as and when required;
- ii) that the petitioner will not tamper with the evidence or hamper investigation, in any manner;

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iii) that the petitioner will pay a sum of Rs.75,000/- in the shape of bank draft to the Investigating Officer within a period of 15 days which can be handed over by the Investigating Officer to the complainant against memo without prejudice to the rights of the parties and being subject to determination of the rights in accordance with law which will be adjustable at future stage.

April 27, 2016.
rka

(M.M.S. BEDI)
JUDGE