

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

**Crl. Misc. No.M-10031 of 2017 (O&M)
Date of Decision: November 17, 2017**

Deepak Kumar and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jamshed Ahmad, Advocate for
Mr. N.S. Sidhu, Advocate
for the petitioner (s).

Mr. Sandeep Kumar, D.A.G. Punjab.

Mr. Atul Goyal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

CRM-36600-2017

Application is for placing on record documents Annexures R-1 to R-6 on behalf of complainant, which are taken on record subject to all just exceptions.

Application stands disposed of.

CRM-M-10031-2017

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.24 dated 28.02.2017 registered for the offences punishable under Sections 420, 506 read with Section 120-B of Indian Penal Code, at Police

Station P.A.U. District Ludhiana.

Heard.

The petitioners were doing the work of complainant under an agreement and a dispute has arisen wherein complainant is alleging that petitioner has taken ₹67 lakhs but have done work only of ₹29 lakhs. The matter as to how much work has been done is a fact to be ascertained by the Expert at the spot. Even otherwise, the civil remedy is available to the complainant for breach of contract.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 24.03.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

November 17, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No