

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

CRM-M No.22404 of 2016 (O&M)
Date of decision: 27th September, 2017

Satpal Gawri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajat Gautam and Ms. Palak, Advocates
for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

Mr. Vikas Behl, Senior Advocate with
Ms. Balpreet Sidhu, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Learned counsel for the petitioner submits that they have fully complied with the orders dated 21.09.2017 which has been readily acceded to by learned State counsel Mr. H.S. Grewal, Addl. Advocate General, Punjab as well as Mr. Vikas Behl, learned Senior Advocate assisted by Ms. Balpreet Sidhu, Advocate representing the complainant.

Allegations against the petitioner Satpal Gawri in this anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.102 dated 19.05.2016 under Sections 420/406/120-B IPC pertaining to Police Station City Mandi Gobindgarh, District Fatehgarh Sahib are that he is partner in firm M/s M.T.C. Steel Industry, Mandi Gobindgarh and which has in all six partners, out of whom five partners

co-accused of the petitioner are also partners in firm M/s V.K. Industries, Mandi Gobindgarh. The precise allegations are that M/s V.K. Industries during the course of transactions in the year 2016 had obtained raw material consisting of iron from various ventures and with an intention to defraud them had not repaid the amount and rather had usurped the same as well as sold off their properties or transferred them in some other's name and in all 14 victims have come forward to testify to the effect that a sum of Rs.1.24 crores approximately has been embezzled by them from various persons.

Contentions of learned counsel for the petitioner are that the petitioner only happens to be a distant relative of the principal accused and had no dealings with the complainant Krishan Kumar Bansal or his firm M/s M.T.C. Steel Industry and that nothing is to be recovered from him nor there is any documentary proof of business relationship of the victims with the firm of the petitioner.

Though on behalf of the State Mr. H.S. Grewal, Addl. Advocate General, Punjab as well as Mr. Vikas Behl, Senior Advocate assisted by Ms. Balpreet Sidhu, Advocate on behalf of the complainant have sought to stoutly oppose grant of the relief on the grounds that a huge volume of money has been embezzled by the accused side and that the investigations are at crucial stage and custodial interrogation of the petitioner is very much essential in view of the heinousness of the

offence and has harboured upon the submissions that in fact M/s V.K. Industries and M/s M.T.C. Steel Industry have relationship of business.

Appreciating the submissions of the two sides, to the very specific query of the Court none from the either side could convince as to the business relationship between the firms M/s M.T.C. Steel Industry and M/s V.K. Industries or any business transaction undertaken by the petitioner through his firm M/s M.T.C. Steel Industry with any of the victims or his role in commission of the offence. In the light of what has come before this Court on the basis of arguments and documents brought to the notice of this Court, nothing is to be recovered from the petitioner and his joining the investigations would suffice the purpose. Thus, the interim bail granted to the petitioner vide order dated 08.07.2016 is made absolute on the same terms and conditions till submission of report under Section 173 Cr.P.C. (challan). Thereafter, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

September 27, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No