

101

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

**CRM-M-24355-2017
Date of Decision: 18.09.2017**

Saroj Sharma and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Anurag Arora, Advocate and
Mr. Vikrant Rana, Advocate
for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

Mr. Deepinder Singh, Advocate,
for the complainant.

SUDIP AHLUWALIA J. (ORAL)

Record put up for order.

[2]. On the last date, the State counsel was required to show the relevant documents pertaining to the previous complaint filed by the complainant and the reasons for which the same was not entertained by the Police.

[3]. Mr. Vikas Malik, DAG, Haryana, has tendered photostat copies of the earlier complaint seeking registration of case for the offences of cheating, misappropriation of funds and fabricating the false documents against the accused persons which appears to have been entertained on 21.04.2012. After making inquiries, the Police did not take any action on the complaint as they determined that the dispute between the parties was purely civil in nature inasmuch as three civil suits (for specific performance

of contract) had already been filed and were pending, and as such no intervention by the Police was called for.

[4]. Grievance of the complainant before this Court is that such inquiry was done motivatedly by the Police Authorities in view of the political influence/clout of the accused persons/petitioners.

[5]. It is, however, noteworthy that in case the complainant's side was unsatisfied with the inquiry conducted or action taken by the Police, it always had the option to approach this Court for seeking appropriate directions. However, that was never done at any stage and a fresh FIR was lodged more than four years later on 25.07.2016 on the same set of allegations. Admittedly, civil proceedings between the parties are still pending.

[6]. In this view of the matter and considering the unusual conduct of the complainant's side in lodging a fresh FIR more than four years later without seeking any intervention of the Court qua its earlier complaint submitted to the Police, in the opinion of this Court, this case does not appear to be a fit case for custodial interrogation at this late stage.

[7]. Consequently, the interim bail granted earlier to the petitioners on 12.07.2017 is hereby confirmed.

[8]. Disposed off.

18.09.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No