

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-30389-2017

Date of decision: 07.09.2017

Balwinder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. KS Brar, Advocate for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., petitioners, namely; Balwinder Singh and Harjinder Singh, have prayed for grant of regular bail in case FIR No. 51 dated 29.06.2016 registered under Sections 420 and 120-B IPC at Police Station Cantt. Bathinda, District Bathinda.

2. Allegations against the petitioners are that by forming a company under the name and style M/s DDB Cement and Building Material, they appointed complainant-Sumit Dhod as their dealer for selling the cement to be supplied by them on commission basis. The petitioners took a security of ₹ 10 lakhs with assurance of giving 12% per annum interest on the same. The petitioners supplied the cement to the complainant for some time, but later on they stopped the supply for the reasons best known to them and in this way they cheated the complainant.

3. Learned counsel for the petitioners contends that the petitioners are the partners of M/s DDB Cement and Building Material, incorporated

and registered under the Registration Act, 1908. The petitioners are in custody for the last 3½ months. The matter is of civil nature. There is a arbitration clause in the agreement executed in between the petitioners and the complainant and a post dated cheque bearing No. 399061 dated 20.12.2018, amounting to ₹ 10 lakhs has already been given by the petitioners to the complainant as a security against the refund of complainant's security amount.

4. On the other hand, learned State counsel refuted the submissions made by learned counsel for the petitioner.

5. I have given my anxious consideration to the submissions made by learned counsel for the parties.

6. In view of the totality of the facts and circumstances, this Court is of the considered opinion that the petitioners deserve the concession of regular bail. Thus, without expressing any opinion on the merits of the case and also the fact that the trial is likely to take time, the instant petition is allowed and the petitioner-Balwinder Singh and Harjinder Singh are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Bathinda.

September 07, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**