

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3557 of 2017 (O&M)

Date of Decision: 27.04.2017

Mahip Trehan

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Mr. Brijeshwar Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.88 dated 18.6.2016 under sections 406, 506, 120-B I.P.C, registered at Police Station, Sadar Jagraon, District Ludhiana.

FIR came to be registered on the statement of Gurpreet Singh, who claimed himself to be working as a Manager in a particular Petrol Filling Station at Jagraon. Allegations are that fuel had been supplied to the vehicles being run by T&M Infrastructure and Development, a company owned by the present petitioner on credit and the financial obligation arising thereupon of a sum of Rs.5 lacs approximately having not been discharged.

Counsel appearing for the complainant vehemently opposes the present petition and contends that there was an intent to cheat on behalf of the petitioner. Even a cheque towards security had been furnished by the accused but on one pretext or the other he was induced not to present the cheque for payment and now a situation has arisen, whereby the validity period of the cheque has expired and the outstanding amount has been

misappropriated.

This Court while issuing notice of motion on 3.2.2017 had passed the following order:-

“Counsel would inter alia contend that the dispute, if any, between the petitioner and B.K. Filling Station, Jagraon would be of rendition of accounts. It is argued that against the backdrop of the allegations, custodial interrogation of the petitioner would not be warranted as he, otherwise, is ready and willing to join investigation.

Notice of motion, returnable for 27.4.2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Chamkaur Singh would apprise the Court that the petitioner has since joined investigation. That apart, the police file would reveal that out of a total of Rs.12 lacs worth fuel stated to have been taken by the accused, accounts for Rs.7 lacs already stand settled and the balance is stated to be due.

This lends credence to the submission on behalf of the petitioner that at best it is a case of rendition of accounts.

Petitioner having joined investigation, his custodial interrogation, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 3.2.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.04.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No