

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39480 of 2017
Date of Decision: 15.11.2017

Raj Kumar Sharma and othersPetitioners

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Hemender Goswami, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Anjali Khosla, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.248 dated 09.09.2017 registered for offences punishable under Sections 420, 406, 201 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station Dakha, District Ludhiana.

Heard.

As per allegations of complainant, he had given his marriage palace on lease to petitioners on terms and conditions as settled between the parties. Petitioners have not made payment of lease money as per terms and have also not complied with other terms with regard to return of articles handed over to them alongwith the palace.

Learned counsel for petitioners submits that the matter is of civil nature and complainant can avail the civil remedy available to him under the law.

Learned State counsel and learned counsel for complainant submit that petitioners were given the marriage palace for three years on lease. However, they left the palace after 10 months and did not pay the entire lease amount of those ten months and also did not account for the cutlery and furniture of the palace handed over to them. During the period they kept possession of marriage palace on lease, the pay of employees of marriage palace was also not paid by them.

The dispute between petitioners and complainant pertains to payment of lease money and to account for cutlery and furniture of marriage palace handed over to them. Petitioners were in possession of the marriage palace under an agreement with complainant. *Prima facie* at this stage it appears to be a case of breach of agreement.

Without expressing any opinion on the merits of the case but keeping in view facts as discussed above, this petition is allowed and order dated 17.10.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that 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 petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

November 15, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No