

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-40640 of 2016
Date of decision : February 02, 2017

Jiwan Kumar @ Babli

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amaninder Preet, Advocate, for the petitioner
Mr. Gurinderjit Singh, DAG, Punjab for the respondent
Mr. RVS Chugh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Learned State counsel on instructions from ASI Pardeep Kumar, Police Station Mansa City submits that petitioner Jiwan Kumar @ Babli has since joined the investigations and the occurrence pertains to the time when he happens to be one of the partners of the concern along with the complainant but the State counsel has sought to seek his stand on the grounds that certain old parts of trucks which were owned by this joint concern are yet to be recovered, which too is the stand of the counsel for the complainant who has sought to oppose the bail as well.

The contention of counsel for the petitioner Mr. Amaninder

Preet that the factum of the property being owned by the joint concern by the petitioner and the complainant being admitted stance of the prosecution and the complainant and thus, recourse by way of criminal case is certainly with an ulterior motive and that the petitioner has already joined the investigations.

Appreciating the submissions, keeping in view the prima facie allegations and the own conceding before this Court by the learned State counsel and counsel for the complainant as to joint ownership and the articles in question have been alleged to be sold during the subsistence of this joint partnership thus harbours around civil dispute over sharing of the business profits and that in the light of the same and the fact that the petitioner has already joined the investigations, the interim bail granted to the petitioner vide order dated 11.11.2016 is made absolute till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

With these observations, the present petition stands disposed off.

February 02, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No