

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-44813 of 2016 (O&M)

Date of Decision: 14.03.2017

Rakesh Kumar Singla

--Petitioner

Versus

State of Punjab through Advocate General

--Respondent

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

Present:- Mr. Rakesh Gupta, Advocate for the petitioner.

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

None 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.137 dated 11.11.2016 under section 420 I.P.C, registered at Police Station, Sadar, Sri Mukatsar Sahib, Tehsil & Distt. Sri Mukatsar Sahib.

On 13.1.2017, the following order was passed by this Court:-

“Allegation in a nutshell against the present petitioner is that he in the capacity of owner of K.C. Singla Industries, Hanumangarh had purchased 6020 bags of basmati paddy weighing approximately 1945 quintals valued at Rs.43,40,996/- and such consignment having been sent by the complainant party the consideration amount having not been paid.

Even though, learned State counsel who is on instructions from ASI Jaljeet would submit that as per police file, there are bills/biltis which reflect the consignment in question and which were dispatched to Hanumangarh yet no document has been adverted to which carries the signatures of either the present petitioner/accused or any other employee of K.C. Singla Industries, Hanumangarh.

Counsel appearing for the complainant would submit that the consignment was dispatched under good faith and under the oral agreement according to which the payment was to be made within a period of seven days.

List on 14.03.2017.

In the meanwhile, petitioner is directed to appear before the Investigating Officer on 20.01.2017 and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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 Jagjit Singh would apprise the Court that the petitioner has since joined investigation.

Counsel appearing for the petitioner would take a stand that the matter has since been compromised and a settlement has been arrived at. In support of such contention a compromise deed has also been furnished for perusal of this Court.

Learned State counsel, however, denies any information/knowledge in such regard.

It would be apposite to take note that on 13.1.2017 the complainant had been represented by Mr. Jagjeet Pal Singh Sarao, Advocate. Non-appearance of counsel for the complainant today prima facie lends credence to the contention of the counsel appearing for the petitioner that a settlement has indeed been arrived at.

The petitioner having joined investigation, his custodial interrogation, as such, would not be warranted.

Accordingly, the present petition is allowed. The order dated 13.1.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.03.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No