

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-909 of 2017

Date of decision : February 23, 2017

Balachandran

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rajat Mor, Advocate, for the petitioner
Mr. Gurinderjit Singh, DAG, Punjab for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Balachandran in this anticipatory bail under section 438 Cr.P.C. are that the present case was got registered by complainant Harinder Singh, Director of Punjab Batches Industries Private Limited Growth Center, Mansa Road, Bathinda against the company of petitioner M/s Malti Machines Pvt. Ltd., Amathur (Tamil Nadu) on the allegations that both the companies have entered into an agreement whereby the complainant has paid a sum of Rs 75,90,358/- to the accused for supply of the machines and which he did not and the same was termed as deceit and fraud by the petitioner.

The contentions of counsel for the petitioner are that it was a pure business transaction which has been given the tinge of criminality though on behalf of the State with all fairness it is admitted that there is an agreement entered into between the parties for the supply of machines and non-fulfillment of that very agreement being a debatable issue if it falls

under the ambit of criminality and nothing is to be recovered from the petitioner.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

February 23, 2017

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No