

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-24418-2016 (O&M)

Date of decision: 18.01.2018

Pritam Gera

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Karan Vir Nanda, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Vikas Bahl, Senior Advocate with
Ms. Balpreet Sidhu, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.102, dated 19.05.2016, under Section 420/406/120-B IPC, registered at Police Station City Mandi Gobindgarh, District Fatehgarh Sahib.

Perusal of the FIR would reveal that the same came to be registered on the allegations that approximately 30-35 members of the business community have been duped of a large sum of money by partners of M/s V.K. Industries, Gobindgarh and to whom cash and raw material had been entrusted.

Police inquiry in the matter revealed that statements of all the members of the complainant party were recorded and which reflected that partners of two concerns i.e. M/s V.K. Industries, Gobindgarh and M/s

MTC Industries Gobindgarh had been entrusted material/cash amounting to a total of Rs.1.20 Crores approximately and partners of the afore noticed two firms i.e. M/s V.K. Industries as also M/s MTC Industries with an intention of not returning the amount entrusted as also to misappropriate the raw material have closed down their firms.

The petitioner herein, namely, Pritam Gera was stated to be a partner of both the concerns i.e. M/s VK Industries and M/s MTC Industries.

Learned counsel representing the petitioner would submit that it is not a case of any amount/raw material having been misappropriated but rather it is a case where the two concerns/firms have run into losses. Counsel argues that the allegations are only indicative of a civil dispute and rather it is a case of rendition of accounts.

The instant petition came up for preliminary hearing on 21.07.2016 and the following order was passed by this Court:

“It is inter alia argued that similarly placed co-accused has already allowed interim bail vide order dated 8.7.2016 of this Court and that it is case of pure civil dispute over business.

Notice of motion for 07.09.2016.

Meanwhile, in the event of arrest, the petitioner be admitted to interim bail on his furnishing bail bonds to the satisfaction of arresting/Investigating Officer; that he will join investigation and will abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, who is on instructions from ASI Jaswinder Singh apprises the Court that the petitioner has since joined investigation.

It has also gone uncontroverted that one co-accused, namely, Satpal Gawri, who was one of the partners of M/s MTC Industries has been granted concession of anticipatory bail by this Court in the light of order dated 27.09.2017 in CRM-M-22404-2016. Furthermore, four other co-accused and who are partners of the M/s VK Industries, Gobindgarh have been granted benefit of regular bail.

In view of the facts and circumstances noticed herein above, this Court is of the considered view that custodial interrogation of the petitioner, who otherwise has already joined investigation would not be warranted.

Petition is allowed. Order dated 21.07.2016 passed by this Court is made absolute.

Pending applications, if any, shall also stand disposed of.

18.01.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |