

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.208

CRM-M-25481-2018
Date of decision : 13.08.2018

Ashutosh Kumar Mittal

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CRM-M-25822-2018

Kehar Singh Bhullar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. I.S. Dhaliwal, Advocate, for the petitioners.

Mr. J.S. Walia, Sr. DAG, Punjab.

Mr. S.K. Arora, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioners seek anticipatory bail in case FIR No.74 dated 17.05.2018, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib, under Sections 420 and 120-B IPC.

The allegations in the FIR are that the petitioners are part of a firm working as contractors. They were well-known to the complainant. The complainant rents out JCB machines and a tractor-trolleys for the work of earth filling. One JCB machine and a tractor owned by the deceased son of the complainant, were handed over to the petitioners and their co-accused for use on rent, but the same were mis-appropriated after having possession thereof.

Learned counsel for the petitioners submits that the tractor has been returned to the complainant and that the petitioners are willing to make

payment for the JCB machine. He further submits that the JCB machine is not in possession of the petitioners, but is in possession of the original owner, namely, Anil Kumar Choudhary. He further submits that if the matter is referred to the Mediation and Conciliation Centre of this Court, there is a chance of an amicable settlement between the parties.

Learned State counsel, on instructions from ASI-Pritam Singh submits that the JCB machine as well as the tractor have not yet been returned and that the petitioners and their co-accused have cheated the complainant. Keeping in view the nature of the allegations, the petitioners does not deserve the concession of anticipatory bail.

Learned counsel representing the complainant supports the arguments of the learned State counsel.

Keeping in view the fact that the petitioners are alleged to have mis-appropriated the property belonging to the complainant on the pretext of taking the same on rent and that the same is still allegedly in possession of the petitioners and their co-accused, I do not see any ground for granting the petitioners the benefit of anticipatory bail and the petitions are accordingly dismissed.

A photocopy of this order be placed in the file of other connected case.

(SUDHIR MITTAL)
JUDGE

13.08.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No