

CRM-M-39412-2017

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

CRM-M-39412-2017

Date of Decision: 09.10.2018

Iqbal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Amaninder Preet, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. H.S.Dhindsa, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.57 dated 23.06.2017, registered at Police Station Ajitwal, District Moga, under Sections 406, 420, 120-B and 506 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

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From the record, I find that as per the allegations in the FIR, the present petitioner, who was an employee of complainant's brother, used to sell the tractors at their branch office Jagraon. The present petitioner had not given money in respect of selling the tractors of about ₹27 lakhs and approximately ₹24 lakhs are pending against him on account of parts of the tractors which he has refused to return.

At the time of arguments, learned counsel for the petitioner submitted that the petitioner remained posted in the Branch Office from 2012 to 2015. There is a dispute regarding transaction between the parties. He further argued that the petitioner did not embezzle any amount, rather he filed a civil suit on 11.04.2016 for issuance of direction not to get recovered any money by force etc. He further submitted that a false case has been registered after a long delay and even after passing of more than one year of filing of civil suit. He further argued that first application was given to the police on 04.05.2017 whereas the present FIR was recorded on 23.06.2017.

In pursuance of the order dated 16.10.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. The dispute between the parties is with regard to amount and commission etc. The case is based on documentary evidence. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 16.10.2017, granting interim bail

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to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

09.10.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No