

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-42037 of 2017

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Date of decision:20.9.2018

Ritu Bhalla

.....Petitioner

v.

State of Punjab

.....Respondent

....

(2) Criminal Misc. No.M-43120 of 2017

.....

Vishal Bhalla

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Sartej S. Narula, Advocate for the petitioners.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. Sumit Jain, Advocate for the complainant.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0163 dated 13.10.2017 registered for the offences under Sections 406, 420, 506, 120-B IPC and (Sections 467, 468 and 471 IPC, which were added later on) at Police Station Sarabha Nagar, Ludhiana, Distt. Ludhiana.

Notice of motion was issued in these cases.

Mr. Pawan Sharda, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Sumit Jain, learned Advocate has appeared on behalf of the complainant and contested these petitions.

I have heard learned counsel for the parties and learned State counsel appearing for the respondent-State and have gone through the record.

From the record, I find that the FIR in the present case has been registered on the statement of Peeyush Tripathi against the petitioners regarding cheating, fraud and mischief etc. As per the allegations in the FIR, Vishal Bhalla and Ritu Bhalla owed ₹65 Lakhs to complainant and the accused were not making payment and instead threatening the complainant with dire consequences. As per the case of the complainant, the petitioners had purchased the goods worth ₹65 Lakhs from the complainant and have not been making the payment.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, it looks that it is business transaction between the parties. The present petitioners have already joined the investigation. As stated they are not required for any custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Therefore, I find merit in these petitions and the same are allowed. The interim orders dated 8.11.2017 and 15.11.2017 respectively passed by this Court granting interim bail to the petitioners are made

absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.PC.

September 20, 2018.

(Inderjit Singh)
Judge

hsp

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