

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43602 of 2018
Date of Decision: 09.10.2018

Surender Mohan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner

Ms. Dimple Jain, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.131 dated 08.08.2017 registered for offences punishable under Sections 420 and 406 of Indian Penal Code, at Police Station Sadhaura, District Yamunanagar.

Heard.

Learned counsel for the petitioner submits that as per allegations in the complaint, paddy was allotted to the petitioner for shelling under a contract but he has not given the requisite quantity of rice or made payment for the shortage of rice. This amounts to breach of contract and provisions of Sections 406 and 420 IPC are not attracted.

Learned State counsel submits that the petitioner has deceived the department of ₹1,12,00,000/- by not returning the rice in lieu of paddy allotted to him, which shows that he had intention to cheat it.

The case of department is based on documentary evidence for

which custodial interrogation of the petitioner is not required.

Keeping in view above facts but without expressing any opinion on merits of the case, this petition is allowed and petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.

It is, however, made clear that in the event of petitioner not surrendering before the investigating officer within two weeks, the order allowing bail to him shall stand withdrawn automatically.

October 09, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No