

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

**CRM No.M-49089 of 2018 (O&M)
Date of Decision: November 29, 2018**

Balwant Singh Dhaliwal

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Satbir Singh Gill, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.189 dated 25.09.2018 under Section 420 IPC, registered at Police Station Garhshankar, District Hoshiarpur.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

From the record, I find that FIR has been got registered by Harvinder Sunam by mainly stating that earlier he had made complaint on

30.06.2014 against Balwant Singh Dhaliwal for not sending his friend Gurmeet Singh and his nephew Gurpreet Singh abroad and for not refunding the money. It is also in the FIR that in earlier complaints, Balwant Singh Dhaliwal had entered into compromise with the promise to return the amount but he resiled from that.

The perusal of the record shows that earlier a compromise (Annexure P-1) has taken place between the parties, in which it is written that Balwant Singh Dhaliwal, present petitioner agreed to return ₹4 lakhs in four installments of equal amount to Harvinder Suman and first installment was to be paid on 02.02.2016, second in March, third in April and fourth in May. Annexure P-2 is another agreement dated 29.03.2016, in which it is stated that Balwant Singh Dhaliwal agreed to return ₹5 lakhs to be paid from 29.04.2016 to 29.02.2017 in installment of ₹50,000/-.

Learned counsel for the petitioner relied upon the complaint in which Harvinder Suman was also shown as travel agent along with Dr.Sanjeev Verma and this complaint was made to S.S.P on 12.05.2016. Learned counsel for the petitioner contended that complainant and accused along with one another person was doing the business of travel agent and there is money dispute between them.

The petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where

the petitioner is entitled to benefit of anticipatory bail. Therefore, the

present petition is accepted and the order dated 02.11.2018 granting interim bail to the petitioner, is made absolute.

November 29, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No