

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 23.05.2019

1. CRM-M-1447 of 2018 (O&M)

S.P. Bansal

..... Petitioner

Versus

State of Haryana

..... Respondent

2. CRM-M-2141 of 2018 (O&M)

S.K. Singhal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Manhar S. Saini, Advocate for the petitioner (in both case).

Mr. Karan Sharma, AAG, Haryana.

Mr. V.K. Jindal, Sr. Advocate with
Ms. Janya Sirohi, Advocate for the complainant.

ANIL KSHETARPAL, J.

By this order, CRM-M-1447 and CRM-M-2141 of 2018 shall stand disposed of. In both petitions, prayer is for grant of anticipatory bail.

Learned counsel for the petitioner has submitted that from the reading of the FIR, it is apparent that the liability of the company is civil in nature as the only allegation against the petitioners is that even after receipt of material in this case food grains entire payment has not been released by the company. He further submitted that default in payment has occurred due to adverse market conditions. He further submitted that the company had been making the payment regularly but on account of losses, payment could

not be released. Learned counsel has further submitted that the intention of the petitioners was never dishonest as the company wishes to pay but due to losses, it is unable to pay at this stage.

On the other hand, learned senior counsel appearing for the complainant has submitted that there is a huge default in payment and there are allegations that the intention of the petitioners was dishonest from the very beginning.

Learned counsel appearing for the State has submitted that no doubt the petitioners have joined the investigation, however, they have not cooperated as the petitioners are not paying the due amount.

This Court has heard learned counsel for the parties at length and with their able assistance gone through both the paper book.

It would not be appropriate for this Court to deal with the merits of the case lest it may prejudice. It is suffice to mention that it is debatable as to whether the complaint discloses any criminal offence on the part of the petitioners. In CRM-M-1447 of 2018, counsel for the petitioner has also claimed that the petitioner had resigned from the Directorship of the company on 01.05.2014.

Keeping in view the arguments of learned counsel for the parties and without commenting on the merits of the case, it is considered appropriate to order that the interim protection granted to the petitioners is made absolute subject to petitioners' joining the investigation as and when called upon in writing by the Investigating Officer.

Both the petitions are disposed of.

23.05.2019

Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No