

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27408-2019

Date of decision: 04.09.2019

Brijmohan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Jagjit Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.93 dated 25.04.2019 under Section 420 IPC, registered at Police Station Focal Point, Ludhiana, District Ludhiana.

While granting interim bail to the petitioner, following order was passed by this Court on 28.06.2019: -

“Learned counsel for the petitioner, inter alia, contends that the dispute is primarily of civil nature as the allegation in the FIR is that the petitioner was appointed as a Contractor by the complainant for executing some civil work in his house and the primary dispute is about settlement of accounts....”

Learned counsel for the petitioner submits that in pursuance of the

aforesaid order, petitioner has joined the investigation and he has already filed a civil suit with regard to the disputed land, in which the complainant has appeared and the same is pending.

Learned State counsel, on instructions from HC Rajinder Pal, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

Learned counsel for the complainant has produced a photocopy of the valuation report prepared by a Govt. Registered Valuer, to submit that the petitioner, being a Contractor, has undertaken the work to the tune of Rs.10,45,200/- but he has taken the excess payment i.e. total Rs.17.00 lacs.

After hearing learned counsel for the parties, I find that the disputed between the parties is purely of civil nature arising out of a contract, as the petitioner was appointed a contractor by the complainant, to construct his private house and in case any excess payment is made by the complainant, which he now got assessed by way of aforesaid valuation report, the same is yet to be ascertained by the Civil Court and complainant has a right to recover.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 28.06.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

04.09.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No