

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-36610-2019(O&M)

Date of decision: 23.10.2019

Kewal Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Anurag Gupta, Advocate for  
Mr. Yogesh Goel, Advocate for the petitioner  
Mr. Manish Bansal, DAG, Haryana  
Mr. V.D.Sharma, Advocate for complainant-first informant

**ANIL KSHETARPAL, J. (ORAL)**

On 2.9.2019, following order was passed by this Court:-

“Petitioner prays for grant of pre-arrest bail  
in FIR No.352, dated 08.08.2019, registered under  
Sections 409/506/34 IPC, at Police Station City Kaithal,  
District Kaithal.

Learned counsel for the petitioner submits  
that the petitioner has no connection with the rice mill  
M/s Kewal Kumar Pawan Rice Mill which is proprietor  
concern of the son of the petitioner. He further submits  
that, at the most, even if the case as set up by the  
prosecution is accepted to be correct, the entire dispute is  
with regard to non-payment of sale consideration for the  
purchased paddy and, therefore, it gives rise to a civil  
dispute and not criminal offence.

Notice of motion for 23.10.2019.

On asking of the Court, Mr. Manish Bansal, DAG, Haryana, accepts notice on behalf of the State. Copy of the petition be handed over to Mr. Manish Bansal, DAG, Haryana, during the course of the day

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Rambir Singh has submitted that petitioner has joined investigation, cooperated and not required for further custodial interrogation.

However, learned counsel for the first informant submits that amount of Rs. 1 crore and 24 lakhs has been transferred in the Firm which is owned by the petitioner.

On a pointed question, he admits that petitioner is neither partner nor in anyway connected with the proprietary concern of his son i.e M/s Kewal Kumar Pawan Rice Mills. However, he points out that bail application of the son of the petitioner has been dismissed.

This Court has considered the submissions of the learned counsel for the first informant. It is undisputed that M/s Kewal Kumar Pawan Rice Mills is a proprietary concern of the son of the petitioner. Thus

firm.

Once counsel for the State has submitted that petitioner has joined investigation and is not required for further custodial interrogation, at this stage order dated 2.9.2019 is hereby made absolute.

Petition stands allowed.

|                           |                   |
|---------------------------|-------------------|
| 23.10. 2019               | (ANIL KSHETARPAL) |
| rekha                     | JUDGE             |
| Whether speaking/reasoned | Yes / No          |
| Whether Reportable        | Yes / No          |