

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

224

CRM-M-40075-2019 O & M)
Date of Decision:25.09.2019

Rajender and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Bishnoi, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Jitender Dhanda, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.115 dated 01.04.2019, under Sections 420 and 406 IPC, 1860, registered at Police Station Sadar Fatehabad, District Fatehabad.

The FIR was registered on the statement of Mahavir Singh, wherein it was alleged that Tarsem Lal was allotted a petroleum licence by HPCL for running the petrol pump in the name of Foji Filling Station and at that time, Tarsem Lal contacted the complainant for the purposes of installation of the same as he had no sufficient amount for setting up the same. According to the complainant, he extended the financial help and invested the amount and a partnership deed was also executed between complainant and Tarsem Lal. After one year of the installation of the pump,

accused Tarsem Lal despite demand did not return the amount spent by the complainant in the installation of the petrol pump, who kept on putting off the matter on one pretext or the other. The complainant further suspected that accounts of the firm were not being maintained properly and accused Tarsem Lal refused to render the accounts. It was narrated that on 07.01.2019 when the oil tanker had arrived at petrol pump then the other accused persons including petitioners were also present and upon asking of the complainant, it was informed that they are the partners of Tarsem Lal in the said firm. On these broad allegations, FIR was registered.

Learned counsel for the petitioners contends that the grievance of the complainant pertains to the breach of partnership deed between complainant and Tarsem Lal. According to him, the dispute is purely of civil nature. Attention of the Court is invited to the civil suit for declaration filed by the complainant against the petroleum company, Tarsem Lal and the petitioners, which is pending. According to him, the investigation of the case is nearly complete and further custody of the petitioners may not be required.

On the other hand, learned State counsel assisted by ASI Hardyal Singh has apprised the Court that the investigation is nearly complete. It is further pointed out that co-accused namely Balraj Singh has already been granted concession of regular bail whereas Tarsem Lal has been granted interim concession of pre-arrest bail on 16.08.2019.

Learned counsel for the complainant has also opposed the bail application on the ground that the complainant had invested considerable amount in setting up the petrol pump and now Tarsem Lal has betrayed the complainant by entering into partnership with others.

Considering the above and the fact that the offences are triable by Magistrate, further detention of the petitioners may not be justified. Therefore, without meaning any expression on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

25.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No