IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.61687 of 2018
Decided on: 15.03.2019

Pawan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Anupam Singla, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.152 dated 23.11.2018, registered under Sections 406, 420 of the Indian Penal Code, 1860 and 7 of the Essential Commodities act, 1955, at Police Station Nahianwala, District Bathinda.

The operative part of the order dated 20.12.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

> ***"....****Counsel for the petitioner has submitted that the FIR has been registered after a long delay of 10 years, from the date when the paddy was handed over to the petitioner for milling. It is further submitted that the firm of the petitioner had filed CWP No.15386 of 2011, praying for payment of his amount and the same was disposed of*

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on 31.07.2012 on an objection raised by the complainant that there is an arbitration clause and the dispute can be resolved by taking resort to that recourse. It is further submitted that, thereafter the matter was pending before the Arbitrator and the present FIR has been registered only to put a pressure on the petitioner to make the payment. It is further argued that during the pendency of the anticipatory bail application before the Additional Sessions Judge, the petitioner was granted interim bail subject to the condition that he will appear before the Investigating Officer, however, later on, the same was dismissed only on the premise that the petitioner has not co-operated in the investigation. It is also submitted that the petitioner is still ready to join the investigation and co-operate throughout.

*Notice of motion for 15.03.2019****....”***

Counsel for the petitioner has submitted that, in pursuance to the order dated 20.12.2018, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from SI Malkeet Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Counsel appearing for the complainant – Punjab Agro Food Grains Corporation Limited has submitted that the recovery against the petitioner is more than Rs.1.5 crores, however, he has not disputed the fact that a writ petition as well as some proceedings arising out of the award are pending before the Court. It is further submitted that the award has already been passed in favour of the Corporation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 20.12.2018 is

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made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

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