

CRM-M-35869-2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-35869-2018 (O&M).
Decided on : September 20, 2019.**

Ram Kishan Dua

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

*** * ***

**PRESENT Mr.Gaurav Mohunta, Advocate, for
for the petitioner.**

Mr.Anmol Malik, AAG, Haryana.

**Mr.Arvind Bansal, Advocate,
for the complainant.**

*** * ***

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of pre-arrest bail in FIR No.212 dated 29.7.2018, registered under Sections 406 and 420 IPC, at Police Station Kalayat, District Kaithal.

Allegations against the petitioner are that the petitioner after having purchased paddy, has failed to pay the price thereof. It is claimed that approximately Rs.86 lac is due and payable.

On 20.8.2018, the following order was passed:-

“Learned counsel for the petitioner submits that in business dealing the petitioner could not pay the entire amount for which FIR has been got registered by the complainant. The petitioner has been making payment but due to some financial restrains, he could not make remaining payment and no criminal liability is attracted.

Notice of motion for 15.11.2018.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

Learned State counsel, on instructions from ASI Ishar Singh, submits that the petitioner has already joined investigation, on 18.4.2019. However, he submits that recovery of the amount is still to be made from the petitioner.

Learned counsel for the first informant has submitted that amount is huge and therefore, petitioner should not be granted protection of pre-arrest bail.

This Court has considered the submissions of the learned counsel for the parties. The criminal proceedings are not for recovery of the amount. Still further, at this stage, it would not be appropriate for this Court to enter into the merits of the case. Prosecution is required to lead evidence and prove the allegations made in the First Information Report. Hence,

CRM-M-35869-2018 (O&M)

without commenting on merits of the case, interim order dated 20.8.2018, is made absolute.

Accordingly, the present petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

September 20, 2019.
raj arora

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No