

CRM-M-54958-2018

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

CRM-M-54958-2018 (O & M)

Date of Decision: 25.03.2019

Amit Garg and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kunal Dawar, Advocate,
for the petitioners.

Mr. Sharad Kumar Yadav, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioners-Amit Garg and Kapil Garg have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.525 dated 28.10.2018, registered at Police Station Ballabgarh Sadar, Faridabad, Haryana, under Sections 406, 506 and 34 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

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The dispute between the parties is regarding the contract of construction of a factory.

In pursuance of the interim order dated 13.12.2018 passed by this Court, the petitioners have already joined the investigation.

Learned counsel for the petitioners submitted that no machinery is lying with the petitioners, whereas learned counsel for complainant argued that some of the machineries used for construction are still lying with the petitioners.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioners are not required for custodial interrogation and no useful purpose will be served by sending them to custody. Therefore, finding merit in this petition, the same is allowed. The order dated 13.12.2018, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

25.03.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No