

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 12380 of 2020 (O&M)

Date of decision : 17.9.2020

...

Ravinder Kumar

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. J.S. Ghuman, Deputy Advocate General, Punjab

...

H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for grant of pre-arrest bail has been filed by petitioner Ravinder Kumar, aged about 43 years, son of Prem Nath, resident of Sadiq, District Faridkot, proprietor of Narula Roadlines, Faridkot Cantt, an accused in FIR No. 36 dated 3.3.2020, for offences under Sections 420, 406 IPC, registered at Police Station City Rampura, District Bathinda.

Briefly stated, facts of the case as per the prosecution story are that, complainant Jarnail Singh had sold 11 paddy thrashers for the value of Rs.13,34,256/- to M/s Mahindra and Mahindra Ltd., Lalpurm (V), Guntur, vide invoice dated 6.12.2018. The consignment was booked by the seller for delivery to the purchasers i.e. Narula Roadlines Sudarshan Complex, Faridkot, a proprietorship concern of the petitioner. The delivery was to be made at Guntur and fare was to be paid by the consignee on delivery of the goods. However, the consignment was not delivered at Guntur but was kept in stockyard of Aggarsain Transways Pvt. Ltd. Nasirabad, District Ajmer (Rajasthan), which demanded fare from the complainant by serving a legal notice. Formal FIR in the case was recorded and investigation in the case started.

Apprehending his arrest in this case, petitioner -Ravinder Kumar had approached the Court of Sessions at Bathinda, craving for grant of pre-arrest bail. His such application, which was assigned to Additional Sessions Judge, Bathinda, was however, declined on 16.3.2020. Still feeling aggrieved, he has knocked at the door of this Court, craving for grant of similar relief. Notice of that application was given to the State.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has contended that even from the bare reading of the FIR no offence of cheating or criminal breach of trust is made out against the petitioner. Even as per version

of the complainant, the machinery is available at Ajmer, Rajasthan and there is no allegation of mis-appropriation of the same. The petitioner has joined the investigation in terms of the directions issued to him, while granting him interim bail by this Court. Therefore, his custodial interrogation is not necessary and he be granted pre-arrest bail.

Learned State counsel, on instructions from ASI Jagtar Singh, states that petitioner has in fact joined the investigation and his custodial interrogation is not required by the local police.

Under the circumstances, I find it a fit case to grant pre-arrest bail to the petitioner. Accordingly, the interim bail granted to the petitioner vide order dated 7.8.2020, is made absolute, subject to fulfillment of following conditions under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall appear before the Investigating Officer as and when required and as and when summoned by the I.O.;
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport then he shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be

entitled to apply for cancellation of bail.

The petition in that way is allowed.

17.9.2020
chugh

(H.S. Madaan)
Judge

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