

CRM-M-21042-2019 (O&M)

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

**CRM-M-21042-2019 (O&M).
Decided on: February 25, 2020.**

Gurinder Pal Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Ms.Priyanka Sud, Advocate,
for the petitioner.**

Mr.Sarabjit Singh Cheema, AAG, Punjab.

**Mr.Ramesh Sharma, Advocte,
for respondent No.2 – complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioner prays for the grant of anticipatory bail in case FIR No.0009 dated 20.01.2019, under Sections 420 and 120-B IPC, registered at Police Station, Division No.1, District Policle Commissionerate Ludhiana.

Learned counsel for the petitioner submits that in the present FIR the allegations against the petitioner are that he had borrowed a

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sum of Rs.16 lacs from the complainant for the purpose of sending his son abroad and there was default in the payment. She has further submitted that although the petitioner had not borrowed the money but still to buy peace, he had returned back the amount of Rs.16 lacs to the complainant during pendency of the present petition. She has further submitted that lodging of the FIR is abuse of process of law because it was case of breach of contract and only a case of civil liability. She submits that in pursuance of order dated 13.5.2019, vide which the arrest of the petitioner was stayed, he has joined the investigation and fully cooperated with the investigation process and thus, prays for the grant of anticipatory bail.

On the other hand, learned State counsel, on instructions from ASI Rajinder Kumar, submits that it is correct that in the present case the petitioner has joined investigation and has fully cooperated with the investigation process and is no longer required for custodial interrogation.

Learned counsel for the complainant has vehemently argued that it is a case where the petitioner had taken Rs.16 lacs and admittedly the amount of Rs.16 lacs has been returned, however, he stated that interest on the said amount of Rs.16 lacs, has not been paid and therefore, prays that on said ground present petition for anticipatory bail be dismissed.

I have heard the learned counsel for the parties and gone through the paper book.

It is a case where allegedly the petitioner had borrowed a sum of Rs.16 lacs for his personal needs i.e. for sending his son abroad and

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thereafter, during pendency of the present petition, the said amount has been admittedly returned to the complainant and apparently, it appears to be a case pertaining to civil liability where there is a breach of contract. The stand of the learned State counsel, on instructions, is that after passing of the order dated 13.5.2019, wherein interim protection was granted to the petitioner, he has already joined the investigation and has fully cooperated with the investigation process and is no longer required for custodial interrogation.

Considering the totality of the circumstances, I deem it appropriate to allow the present petition and it is ordered that in case the petitioner is sought to be arrested, he shall be released on bail to the satisfaction of the investigating/arresting officer subject to the compliance of all the conditions as envisaged under Section 438 (2) Cr.P.C.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

February 25, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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