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

CRM-M No.26274 of 2019

Date of Decision: 27.02.2020

Bhupinder Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Jaswinder Singh Grewal, Advocate
for the petitioner.

Mr. Ramandeep Sandu, Sr. DAG, Punjab

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.60 dated 01.05.2019 registered under Sections 420 and 406 IPC at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner submits that earlier FIR No.155 dated 04.10.2018 under Sections 420, 406 IPC Police Station Nangal, District Rupnagar was registered against the petitioner.

Perusal of the aforesaid FIR would show that in fact the complaint was made by the customer against all the partners of Shiv Shakti Trading Company. In the aforesaid FIR, petitioner was granted anticipatory bail by the High Court

in CRM-M No.48271 of 2018 vide order dated 21.01.2019. Thereafter, the present FIR came to be registered at the instance of Ashok Kumar partner of the firm. Fraud has been alleged by the complainant that the petitioner has cheated the partners of the firm as well as the customers.

In the present case, the petitioner is in custody since 04.12.2019. Prior thereto the petitioner was granted interim bail vide order dated 09.07.2019 in order to explore possibility of settlement between the parties and the matter was referred to Mediation and Conciliation Centre of this Court.

Thereafter on 26.11.2019, the interim bail granted to the petitioner was withdrawn, as the parties could not settle the dispute before the Mediation and Conciliation Centre of this Court.

The petitioner was directed to surrender before the trial Court within seven days. Learned counsel for the petitioner submits that the petitioner has surrendered before the trial Court on 04.12.2019 and since then he is in custody.

Learned counsel for the petitioner submits that the petitioner has been singled out despite the fact that the allegations were made by the customers in FIR No. 155 dated 04.10.2018 against all the partners including the petitioner. The petitioner was granted anticipatory bail by the High Court. The present FIR is composition of both the allegations. The relief of anticipatory bail has been made nugatory by incorporating dual allegations in the FIR. The

complainant has not filed any suit for rendition of account till date and the matter involves civil profile.

Learned State Counsel on instructions from SI Balbir Singh states that out of 14 witnesses, none has been examined, except the examination-in-chief of the complainant-Ashok Kumar. Next date is 02.03.2020 for prosecution evidence.

The petitioner remained in custody before grant of interim bail for a period of about two months, thereafter, since 04.12.2019, the petitioner is in judicial custody. The offence is triable by Magistrate.

At this stage, without forming any opinion on the merits of the case, I deem it appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

February 27, 2020

pry

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No