

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

CRM-M-38433-2019 (O&M)

Date of decision: 06.02.2020

Diganant Tyagi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Nagender Deswal, Advocate with
Mr. Robin Tyagi, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail under Section 438 Cr.P.C. has been filed by petitioner Diganant Tyagi, aged about 23 years, an accused in FIR No.277 dated 06.07.2019 for offences under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, registered with Police Station City Hisar, District Hisar.

Briefly stated facts of the case as per prosecution version are that complainant Jasdeep son of Joginder Singh had submitted a written complaint to the local police, contending therein that he has been running a Solar Consultant Private Company and petitioner Diganant Tyagi was engaged in business of selling solar panels. The complainant used to purchase solar panels from the petitioner. On

31.05.2019, a deal for purchasing solar panels worth Rs.82 lacs was finalized between the complainant and the petitioner/accused. In pursuance of that, the complainant had transferred a sum of Rs.55 lacs in the account of the petitioner/accused through RTGS. Responding to that, the petitioner/accused had conveyed about numbers of E-way bills as well as number of vehicles. Again the complainant had deposited an amount of Rs.10 lacs on 24.06.2019 and Rs.5 lacs on 25.06.2019 in the account of petitioner/accused. In that way, a total sum of Rs.70 lacs was deposited by the complainant in the account of the petitioner/accused. Despite repeated requests, the material was not supplied by the petitioner/accused to the complainant. Thereafter, the petitioner/accused avoided meeting the complainant. When the complainant contacted brother of petitioner/accused, he extended threats to kill him. On the basis of such written complaint, formal FIR was registered.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Hisar, seeking pre-arrest bail but such petition was dismissed by Sessions Judge, Hisar, vide order dated 31.08.2019. Therefore, he has approached this Court, praying for grant of similar relief, which request is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

During the course of proceedings, the matter is said to have been compromised between the parties. The parties were directed to

appear before CJM, Hisar to get their statements recorded with regard to compromise. The petitioner was granted interim bail with a direction to join investigation, however, the complainant had moved an application for cancellation of bail, which came up for hearing on 06.11.2019, in terms of which, the cheques given by the petitioner/accused to the complainant in terms of the compromise entered into between the petitioner and the complainant, on the basis of which, bail had been granted were not honoured because the petitioner had directed the bank to stop payment. Under the circumstances, keeping in view such attitude of the petitioner, he is certainly not entitled to relief of pre-arrest bail, which is not to be granted in a routine but in exceptional circumstances. Concession of pre-arrest bail is meant to be given to the innocent persons in order to save them from unnecessary harassment and inconvenience and not to shield the criminals from being put to interrogation by the police agency. The act and conduct of the accused is also to be taken into consideration while considering his entitlement to grant/refusal of pre-arrest bail. The allegations against the petitioner in this case are quite serious, inasmuch as he had failed to honor the deal of supply of solar panels to the complainant, which was struck at Rs.82 lacs despite receiving substantial part of such amount. His custodial interrogation is definitely necessary for complete and effective investigation. If the same is denied to the investigating agency that shall leave many loose ends, adversely affecting the investigation, which is uncalled for.

Therefore, no case for pre-arrest bail is made out. The petition is found to be without merit and is dismissed accordingly.

06.02.2020

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(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No