

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

CRM-M-41194-2019
Date of decision: 04.02.2020

Brij Pal Rathi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Jain, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Sahil Goel, Advocate
for respondent Nos. 2 and 3/complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.299 dated 08.08.2019 under Sections 406, 420 IPC, registered at Police Station NIT, Faridabad, District Faridabad.

The operative part of the order dated 25.09.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per allegations in the FIR, there was a partnership deed between the petitioner and the complainant and on the basis of said partnership deed, the complainant has invested some amount, out of which some amount has already been returned. It is further submitted that prior to registration of the FIR, the complainant has given a complaint, which was inquired into by the Deputy Commissioner of Police, NIT, Faridabad vide inquiry report dated 22.05.2019 and it was held that the primary dispute between the parties is with regard to apportionment of share of the company and no offence is made out.

Notice of motion for 16.10.2019.”

Learned counsel for the petitioner submits that the petitioner, in

pursuance to the order dated 25.09.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner further submits that as per the own case of the complainant, he has invested money in a partnership firm, which was later on changed by increasing share of the complainant.

Learned counsel for the petitioner further submits that the matter is of civil nature and even Deputy Commissioner of Police, in the inquiry, has found that the dispute is of civil nature.

Learned State counsel, on instructions from ASI Digvijay Singh, assisted by learned counsel for the complainant, has opposed the prayer of the petitioner on the ground that petitioner is facing number of cases under Section 138 of the N. I. Act and in one of such cases, he has been declared a proclaimed offender and even an FIR under Section 174-A IPC was registered against him, however, the factum of partnership deed between the petitioner and complainant as well as the investment of the amount made by the complainant in partnership firm is not disputed.

Without commenting anything on the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the petition is allowed and the interim bail granted to the petitioner, vide order dated 25.09.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

04.02.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No