

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1252-2020 (O&M)
Date of Decision: 20.08.2021

RAJEEV SAXENA AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Manish Soni, Advocate for the petitioners
Mr.J.S.Ghumman, Deputy Advocate General, Punjab
Mr.Vishal Aggarwal, Advocate for the complainant

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.158 dated 14.11.2019 registered under Sections 406, 420, 120B IPC at Police Station Navi Baradari, Police Commissionerate Jalandhar, District Jalandhar.

The petitioners and the complainant are auto car dealers. The allegations against the petitioners are that they purchased a Mitsubishi Pajero from the complainant the total price of which was Rs.23,84,194/- but after taking delivery of the same paid only Rs.10 lakhs. In their defence the petitioners say that in addition to Rs.10 lakhs they paid to the complainant an amount of Rs.7.50 lakhs in cash and that the remaining amount had been withheld by them for want of supply of proper documentation of the car.

In the light of the above conflicting stands, this Court, through order dated 11.02.2020, permitted the petitioners to deposit the undisputed

amount with this Court with a further direction that in the event of their arrest the petitioners be admitted to ad interim anticipatory bail.

It is the admitted position that a draft for an amount of Rs.7,07,500/- stands deposited in this Court by the petitioners and that under the interim protection granted by this Court the petitioners have also joined investigation.

The dispute between the parties with regard to Rs.7,50,000/- allegedly paid by the petitioners to the complainant in cash would be decided during the course of the petitioners' trial.

Subject to the handing over of the original/duplicate invoice/documents pertaining to the sale of the automobile in question the complainant would be at liberty to withdraw the amount of Rs.7,07,500/- deposited before this Court.

In view of the above and in particular the statement made by learned State counsel that under the interim orders passed by this Court the petitioners have joined and cooperated with the investigation, the interim bail granted to the petitioners through the order of this Court dated 11.02.2020 is ordered to be made absolute.

20.08.2021
gk

(Deepak Sibal)
Judge

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