

210.

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

CRM-M-2318-2021

Date of decision: 31.03.2021.

LOVEKESH SINGLA ALIAS SONU SINGLA

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

II.

CRM-M-2532-2021

KAPIL SINGLA @ MONU SINGLA

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Lupil Gupta, Advocate, for the petitioner(s).

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Rishabh Gupta, Advocate, for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This order shall dispose of two petitions i.e. **CRM-M-2318-2021** titled as ***Lovekesh Singla @ Sonu Singla Versus State of Punjab*** and **CRM-M-2532-2021** titled as ***Kapil Singla @ Monu Singla Versus State of Punjab***.

Prayer in these petitions filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner(s) in case FIR No.234 dated

17.12.2020 under Sections 420, 506, 120 IPC at Police Station Nathana, District Bathinda.

On January 21, 2021, this Court has passed the following order:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioners submits that out of the six trucks of coal ordered by the petitioners, they had received the delivery of three trucks of coal, but since the coal was not found of good quality, they did not accept the delivery of remaining three trucks. He further submits that the petitioners are ready to make payment of the value of three trucks of coal delivered to the petitioners.

However, learned counsel for the complainant submits that the petitioners were delivered six trucks of coal and he has recording to that effect.

The petitioners are directed to prepare a bank draft of the value of three trucks of coal delivered to him and hand over the same to the Investigating Officer at the time of joining the investigation.

Notice of motion in CRM-M-2532-21 as well.

Adjourned to 31.03.2021.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) CrPC.

A photocopy of this order be placed on the file of other connected case.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, petitioners have joined investigation and they have prepared a bank draft for an amount of Rs.9,10,270/- in favour of Bansal Associates Pvt. Ltd. and the same has been handed over to the IO.

Learned State counsel, on instructions from ASI Gurdeep Singh, does not dispute the aforesaid fact and fairly submits that the petitioners have presented a bank draft to the IO.

Learned counsel for the complainant submits that since the petitioners have themselves admitted that they have received three loaded trucks of coal, the bank draft deposited by the petitioners to the IO be delivered to the complainant Amandeep Bansal.

I have learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is no more required, present petitions are allowed and the interim bail granted to the petitioners vide order dated 21.01.2021 is made absolute.

However, the bank draft deposited by the petitioners with the IO be delivered to the complainant against a valid receipt.

It is made clear that the bank draft for an amount of Rs.9,10,270/- submitted by the petitioners is being ordered to be delivered to the complainant for encashment and the release/receipt of payment would be subject to the outcome of the main dispute between the parties.

March 31, 2021
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No