

202 (1)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51479-2018
Date of decision-29.07.2021

SATISH SHARMA AND ORS

...Petitioners

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Diepa Singh, Advocate
for petitioners.

Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Karan Pathak, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.366 dated 24.10.2018 under Sections 406, 420, 506 & 34 Indian Penal Code 1860, registered at Police Station Sector-56, Gurugram, District Gurugram, who apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 22.11.2018, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“It is inter alia contended by learned senior counsel appearing for the petitioners that registration of the FIR is abuse of the

process of law. Initially, the complainant had moved a compliant under Section 156(3) Cr.P.C. upon which police report dated 4.10.2018 (P-24) was received, according to which, the dispute was held to be a civil dispute. Yet, the learned Court, vide order dated 17.10.2018 directed registration of the FIR. A perusal of the contents of the FIR shows that there is a dispute regarding money arising out of a business transaction and thus, it cannot be said that any criminal intent was involved. The money dispute has arisen because the complainant did not complete the work allotted to him within the prescribed time. Also, there is no specific allegation against any of the petitioners and there is no concept of vicarious liability in criminal law.

Notice of motion for 23.1.2019.

In the meantime, the petitioners are directed to join investigation with the Investigating Officer on 30.11.2018 at 10.00 a.m. And cooperate therewith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to their compliance of the conditions enshrined under Section 438(2) Cr.P.C.

At this stage, Mr. R.S. Rai, Sr. Advocate with Mr. K.P. Singh, Advocate, put in appearance on behalf of the complainant and submit that criminal intent is writ large in case all the facts and circumstances of the case are taken together. The termination of the agreement is vide letter dated 10.10.2017, whereas the occupation certificate was received on 18.9.2017. Thus, it is apparent that after the complainant successfully completed the project, his contract is being terminated and plant and machinery is being confiscated with the intention of denying him lawful dues. He prays for some time to file a reply on or before the next date of hearing.”

Learned counsel for the petitioner has stated that after

completion of investigation in the above FIR, a cancellation report was submitted on 04.04.2020, before the Court of competent jurisdiction, therefore, the present petition seeking anticipatory bail is rendered infructuous and she has instructions to withdraw this petition.

Dismissed as withdrawn.

29.07.2021

Vipin kumar

(MANOJ BAJAJ)
JUDGE

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