

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38902-2021
Date of Decision:24.11.2021

Parkash

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mahir Sood, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.127 dated 12.12.2019, under Sections 420/406/120-B IPC, registered at Police Station Dhakoli, District SAS Nagar.

The learned counsel for the petitioner has submitted that in pursuance of the orders passed by this Court on 20.09.2021 the petitioner has joined investigation and has cooperated with the investigation process. He further submitted that even otherwise also it is case where the dispute is purely of a civil nature and the matter is pending before the Debts Recovery Tribunal. He submitted that as per allegations the petitioner had secured a credit limit from the bank and the stocks were hypothecated to the bank and thereafter, the dispute arose between the parties and the matter was also

negotiated on the table and rather the petitioner had twice given the proposal regarding the OTS Policy/Scheme of the bank and thereafter, the bank preferred to file a petition before the Debts Recovery Tribunal with regard to the same subject matter and has therefore submitted that no case under Section 406/420 IPC is made out as a civil dispute has been given a criminal flavour and has therefore prayed that the interim order may be made absolute.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that although the petitioner has joined investigation but some recovery of money is to be made.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 20.09.2021 the petitioner has already joined investigation. The argument raised by the learned counsel for the petitioner that the subject matter of the present dispute was purely of civil nature and has been given a criminal flavour does carry some weight at this stage. So far as the argument raised by the learned State counsel that recovery is yet to be made cannot become a ground for denial of anticipatory bail to the petitioner particularly in view of the fact that the entire case is based upon documentary evidence and the petitioner has already joined the investigation.

In view of the above, the present petition is allowed and the order dated 20.09.2021 is hereby made absolute.

24.11.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No