

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8684-2021
Date of Decision: 28.02.2022

Kamal Kumar Bansal @ Pinta

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Sukhcharan Singh Gill, Advocate, for the petitioner.

Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab.

Mr. A.S. Sra, Advocate, for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.24 dated 05.02.2021, under Section 420 IPC, registered at Police Station Lambi, District Sri Muktsar Sahib.

Dr. Anmol Rattan Sidhu, learned Senior Advocate with Mr. Sukhcharan Singh Gill, Advocate, for the petitioner has submitted that in pursuance of the orders passed by this Court on 24.02.2021 the petitioner has joined investigation and he has cooperated with the investigation process. He further submitted that even otherwise also the subject matter of

the present petitioner was purely civil in nature. He further submitted that as per the allegations, the petitioner alongwith other persons had purchased some paddy from the complainant through a Commission Agent namely Janak Raj and some amount of money was paid back to the complainant but some amount was outstanding and at the most it was totally a case of civil dispute, if any that some money has been paid or not but instead of seeking a civil remedy, the complainant had lodged the present FIR for recovery of money which is not the job of the police. He further submitted that be that as it may, the petitioner has joined investigation and he undertakes to further join the investigation and to cooperate with the investigation process.

Mr. C.L. Pawar, learned Senior Deputy Advocate General, Punjab has submitted that in pursuance of the orders passed by this Court on 24.02.2021, the petitioner has joined the investigation. However, he has opposed the grant of anticipatory bail only on the ground that some recovery of money is yet to be effected.

Mr. A.S. Sra, learned counsel for the complainant has submitted that the petitioner has cheated the complainant and recovery of amount is still to be effected from him.

I have heard the learned counsel for the parties.

The subject matter of the present case appears to be pertaining to financial dispute, if any. The objection raised by the learned State counsel that although the petitioner has joined the investigation but recovery of money is yet to be effected is unsustainable in law. The police is not meant for making recovery of money where it is a pure financial dispute between the parties pertaining to trade.

Therefore, considering the totality and circumstances of the

present case, this Court deems it fit and proper to grant anticipatory bail to the petitioner. Consequently, the present petition is allowed and order dated 24.02.2021 is hereby made absolute. The petitioner shall continue to join the investigation as and when called by the Investigating Officer and shall abide by the conditions contained under Section 438(2) Cr.P.C.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.02.2022**rakesh****(JASGURPREET SINGH PURI)
JUDGE**

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