

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-13127-2021 (O&M)**

Usha Rani ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-14395-2021 (O&M)

Sushil Arora @ Rinku ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 10.02.2022**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Parvez Chugh, Advocate, for the petitioner/s.

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by SI Sulakhan Singh.

Mr. J.S.Dadwal, Advocate, for the complainant.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the aforesaid two petitions filed on behalf of Usha Rani and Sushil Arora @ Rinku respectively, seeking grant of anticipatory bail in respect of a case registered vide FIR No.14 dated 19.01.2021 at Police Station Moti Nagar, District Police Commissionerate, Ludhiana, under Sections 406/420/506/120-B IPC.
2. The FIR in question was lodged at the instance of Davinder Narula, Proprietor, M/s Prince Weaving Factory, Ludhiana, wherein it is alleged that Sushil Arora, Proprietor, M/s Om Knitwears, Ludhiana was into

business of making T-shirts, lowers etc. and used to purchase cloth from the complainant. It is alleged that Sushil Arora influenced the complainant and convinced him to give cloth to him on loan. Initially, said Sushil Arora used to place order for a small quantity, which used to be delivered to him and payments in respect of the same used to be made. It is further alleged that Usha Rani, mother of Sushil Arora, also looked after the work of the firm alongwith Sushil Arora. The complainant alleges that after winning the trust of the complainant, Sushil Arora started placing bulk orders, which were duly supplied against various challans. However, later when an amount of about Rs.46 lakhs was due to be paid by the firm of Sushil Arora, he started dillydallying the matter and furnished various excuses and when the complainant insisted for the payment, he (Sushil Arora) even extended threats to eliminate him.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that even if the allegations as leveled in the FIR are taken to be correct, the same, at best, would constitute a 'civil liability' only. Learned counsel has further submitted that petitioner-Usha Rani, in any case, does not have anything to do with the firm of his son Sushil Arora and has apparently been roped in only to pressurize Sushil Arora to make him pay the amount to the complainant.
4. On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that it is not a case of business transactions simplicitor, but is a case where the accused in a clever design had first won the trust of the complainant and has thereafter cheated him by placing bulk orders and not making the payments for the same.

Learned State counsel has further submitted that the petitioners also

threatened the complainant to eliminate him and as such, the complicity is clearly evident and it cannot be said that it is a case of 'civil liability' only. It has, however, been informed that pursuant to the interim directions issued by this Court, both the petitioners have joined investigation.

5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR prima facie itself shows that the matter has arisen out of some business transactions, which had been continuing between the parties since the year 2017. However, when the huge amount of about Rs.46 lakhs came due to be paid by the petitioners, the dispute seems to have arisen amongst them, which resulted into lodging of present FIR. It will certainly be debatable as to whether the case in hand constitutes 'civil liability' or as to whether it would attract a 'criminal liability' as well. In any case, since the petitioners have already joined investigation and their custodial interrogation is not warranted, both the petitions are accepted and the interim directions issued by this Court vide orders dated 22.03.2021 passed in Usha Rani's case and 31.03.2021 passed in Sushil Arora's case are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.
7. A photocopy of this order be placed on the connected file.

10.02.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**