

**209+102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-18850-2021 (O&M)
Date of decision : 29.03.2022**

**Randeep Singh and another ...Petitioner
Vs.
State of Punjab ...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gourav Goel, Advocate for the petitioner.
Mr. Sandeep Goel, DAG, Punjab.
Mr. Munish Gupta, Advocate for the complainant.

MANOJ BAJAJ, J.

CRM-3698-2022

Application is allowed as prayed for.

Annexures R-2/1 to R-2/4 are taken on record.

CRM-3701-2022

The application under Section 482 Cr.P.C has been filed by complainant (Amarjeet Singh) for impleading him as respondent No.2.

Notice in the application.

The prayer is not opposed by learned counsel for non-applicant/petitioner as well as learned State counsel.

Application is allowed and complainant, namely, Amarjeet Singh is ordered to be impleaded as respondent No.2.

Main case

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.95 dated 24.04.2021 under Sections 406 and 420 Indian Penal Code, 1860 registered at

Police Station Sadar Nabha, District Patiala, Punjab, who apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has argued that as per allegations, the complainant was having business with firm, namely, Amar Engineering Works, Nabha, run by petitioner and his brother, namely, Randeep Singh @ Pappu and was regularly selling combines manufactured by the petitioners. According to him, as per allegations, the complainant suffered a wrongful loss of Rs.62,50,000/- as the said amount was given in advance from 2020-2021, but no material was supplied by manufacturer against the said payment. Learned counsel has argued that dispute relates to the accounts of the two firms and the case of the prosecution is based upon documentary material, so the custodial interrogation of the petitioners may not be necessary. He prays for grant of anticipatory bail.

Learned counsel for the complainant has opposed the prayer vehemently and has argued that the accused were having dishonest intention from the very beginning, therefore, they have caused wrongful loss to the complainant. He submits that though an attempt was made before the Mediation and Conciliation Centre of this Court to explore the possibility of the compromise, however, the same failed. According to him, petitioners had once called upon the complainant to make the payment by showing him the photocopy of the cheques, but no such cheque was delivered. He prays for dismissal of the petition.

Learned State counsel who is instructed by SI Gurbinder Singh has also argued on the similar lines. According to him, the petitioners had

received the alleged amount from the complainant, but neither the material was supplied, nor the amount was returned.

At this stage, learned counsel for the petitioners has invited the attention of the Court to the specific stand of the complainant in the FIR itself that the business dealings between the two started in the year 2015 and the account of the accused was running smoothly. He submits that according to the complainant, he voluntarily gave the advanced payments, but till date no suit for recovery of the amount has been filed, therefore, in the given facts, custodial interrogation of the petitioners may not be necessary.

After hearing learned counsel for the parties and considering the above background, this Court without expressing any opinion on the merits of the case, finds that the parties are having business dealing since 2015 and not only the dispute between the parties relates to rendition of accounts, but the case of prosecution is based upon documentary material, therefore, custodial interrogation of the petitioners may not be necessary

Resultantly, the petition is allowed and it is ordered that in the event of arrest of the petitioners by the Arresting Officer, they shall be released on bail subject to their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C.

29.03.2022

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Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No