

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32093-2022

Date of decision : 20.12.2022

Mohan Lal and another

..... Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. A.D.S. Sukhija, Advocate
for the petitioners.

Mr. Arun Gupta, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion, following order was passed:-

“CRM-30607-2022

This is an application to place on record the documents marked as Annexures P-5 to P-7 to show compliance of the order dated 26.7.2022.

For the reasons stated in the application, application is allowed. Annexures P-5 to P-7 are taken on record.

CRM-M-32093-2022

Apprehending their arrest in FIR No.205 dated 10.09.2021 for offences punishable under Sections 420,406,506 IPC, 1860 registered at Police Station City Rajpura, Patiala, the petitioners have preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioners inter alia contends that primarily the dispute between the parties is of civil nature and has been given colour of criminal offence. Much so even the complainant has filed suit for recovery which is pending consideration before the civil court. In order to show their bonafides the petitioners have already deposited an amount of Rs.5 lacs pursuant to the order dated 26.7.2022.

Notice of motion.

On the asking of the Court Mr. Gurdarshan Singh Sidhu, Assistant Advocate General, Punjab, who is present in Court accepts notice.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

To come up on 20.12.2022.”

2. Today, learned State counsel, on instructions from ASI Prem Kumar, submits that the petitioners have joined investigation and are no more required for custodial interrogation.

3. Apart from that counsel for the petitioners reiterates that the dispute between the parties is of civil nature and has been given colour of criminal offence.

4. In view of above, the interim order dated 25.08.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

20.12.2022
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No