

CRM-M No.30789 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : 11.09.2023

CRM-M No.30789 of 2023

1. Kulbir Singh

....Petitioner

Versus

State of Punjab

....Respondent

2

CRM-M No.30795 of 2023

Gurvinder Singh @ Gurjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Abhishek Arora, Advocate for
Mr. Sumit Jain, Advocate for the petitioner(s).

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

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

PANKAJ JAIN, J. (ORAL)

1 This common order shall dispose of aforesaid two petitions as identical questions of facts and law are involved in the same.

2 Apprehending their arrest in FIR No.0063 dated 22.05.2023 registered under Sections 420/120-B IPC, at Police Station Barnala, Punja, petitioners seek pre-arrest bail.

3 On 19.06.2023, this Court while issuing notice of motion had passed the following order in both the petitions:

“Apprehending their arrest in FIR No.0063 dated 22.05.2023, registered under Sections 420/120-11 IPC at

Police Station Barnala, Punjab, petitioners seek pre-arrest bail.

Learned counsel for the petitioners inter-alia contends that the matter in fact relates to a partnership having run into rough weather. The matter relates to settlement of accounts, which has been given contour of criminal nature.

Notice of motion for 11.09.2023.

On the asking of the Court, Mr. HS Sina, DAG, Punjab appears and accepts notice on behalf of the respondent-State.

Mr. A.S.Brar, Advocate has entered appearance on behalf of the complainant in CRM-M-30789 of 2023.

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.PC.

Photocopy of this order be placed in the connected file”

4 Learned State counsel on instructions from ASI Gurtej Singh, states that pursuant to order dated 19.06.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

5 Learned counsel for the complainant submits that keeping in view the seriousness of the allegations leveled that the petitioners had cheated the complainant of heavy amount, pre-arrest bail is not warranted.

6 I have heard learned counsel for the parties and after going through the records of the case, this Court finds that primarily the issue seems to be of reconciliation of accounts which have been given colour of criminal nature.

7 Without commenting on the merits of the case, the present petitions are *allowed* and interim order dated 19.06.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

8 This order should not be treated as "blanket" order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to

the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

9 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

10 The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

11 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

12 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

13 A photocopy of this order be placed on the file of connected case.

11.09.2023

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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No