

2023:PHHC:037411

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-33519-2022
Date of decision : 09.03.2023

Jaspal Singh Petitioner

VERSUS

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Harish Goyal, Advocate, for the petitioner.
 Mr.Arun Luthra, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.0005 dated 12.01.2022 registered under Section 420 IPC at Police Station City Dhuri, District Sangrur.

On 01.08.2022 this Court had passed the following order: -

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0005 dated 12.1.2022, Police Station City Dhuri, District Sangrur, under Section 420 of Indian Penal Code. The complainant Kamalbir Garg has alleged that the petitioner had taken an amount of Rs.3.60 lakhs from him in the month of February 2021 for the purpose of installing a solar system but despite having taken full payment, the solar system had not been installed and infact nothing has been done in the said direction.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case by the complainant at the instance of Deepankar Rai, with whom the petitioner is having some dispute regarding installation of solar system. Learned counsel submits that the petitioner had earlier also installed some solar systems in the residences of some other relatives/friends of the complainant, the details of which have been mentioned in the petition, which are reproduced hereinunder:

Santosh Rani	Rs.2,50,000/- on 4.3.2021 (Through Bank), Rs.80,000/- on 26.4.2021 (By Cash Deposit in Bank by Santosh Rani)	Already installed and completed	Rs.3,60,000/- GST vide Bill dated
Karan Singla	Rs.2,50,000/- by Bank Transfer on 4.3.2021	Already installed and completed	Rs.3,60,000/- GST
Puneet Goyal	Rs.2,00,000/- through bank Transfer (Out of which Rs.1,75,000/- on 17.3.2021) Rs.10,000/- Cash	Structure prepared and other things installed and thereafter dispute arose, so rest work is not completed	Total amount of Bill is Rs.3,60,000/- + GST
Deepankar Rai	Rs.1,30,000/- through Bank Transfer on 12.4.2021 and Rs.20,000/- as Cash	Earthing started thereafter dispute arose, so rest work is not completed	Total amount of Bill is supposed to be Rs.3,60,000/- + GST

Learned counsel for the petitioner has pointed out that solar system had been duly installed in the premises of Santosh Rani, and Karan Singla and who had paid a substantial amount by bank transaction. It has further been submitted that even Puneet Goyal and Deepankar Rai, with whom some dispute had arisen, had paid a substantial amount by bank transaction whereas the complainant claims to have paid the entire amount by cash, which apparently is a cooked up story as the petitioner has always been accepting major payments by cheque. It has further been submitted that, in any case, even if the allegations are accepted to be correct, it would be a matter, which would be a civil dispute in nature.

Notice of motion for 3.11.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, subject to the petitioner's abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 01.08.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

09.03.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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