

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

223

CRM-M-38188 of 2023 (O&M)

Date of Decision:10.08.2023

Inderjit Singh Kanwar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N. K. Verma, Advocate, for
Mr. Ankush Verma, Advocate,
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab

Mr. Suneet Pal Singh Aulakh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.74 dated 01.06.2023, under Sections 420 and 406 IPC, registered at Police Station Sadar Dhuri, District Sangrur.
2. Learned counsel for the petitioner submitted that the petitioner is in custody from 23.06.2023 and although the case is at the investigation stage but he has already faced incarceration for about 1 month and 18 days. Learned counsel while referring to the contents of FIR submitted that the allegations in FIR were that the complainant which is an institute had lodged a complaint on the ground

that the petitioner had agreed with them for installation of solar plant and agreement was to the extent of Rs.1,36,00,000/- and out of which Rs.41 lacs were paid to the petitioner but he has not done the same till date. He submitted that as per the allegations contained in FIR itself the matter was purely of civil nature and it was only a contractual matter by which an agreement for rendering of services was there, but the same was not rendered in time and which was given a criminal flavour by the police. He submitted that in view of the aforesaid position, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Harsimar Singh Sitta, learned DAG, Punjab has stated that it is correct that the petitioner is in custody from 23.06.2023 but he submitted that out of the total amount, 30% which was received by the petitioner for rendering of services, some of the amount he transferred in the name of his wife.

4. Mr. Suneet Pal Singh Aulakh, learned counsel appearing on behalf of the complainant submitted that the petitioner has committed a fraud by taking money and not rendering the services.

5. I have heard learned counsel for the parties.

6. A perusal of the FIR would show that as per the allegations there was an agreement to render services for installation of solar plant which was not rendered in time. The argument raised by learned counsel for the petitioner that it is a dispute of civil nature which has been given a criminal flavour carries weight. This Court is of the view that considering the nature of allegations against the petitioner, the petitioner deserves the concession of regular bail.

7. Consequently, the present petition is allowed. The petitioner shall be

released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

August 10, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No