

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

CRM-M No.54355 of 2022
Date of decision: 3rd May, 2023

Jaswinder Singh Sandhu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anil Mehta, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.105 dated 20.10.2022 under Sections 406, 420, 120-B IPC registered at Police Station Dhakoli, District Mohali.

Vide order dated 01.12.2022, the petitioner had been granted concession of interim bail in the following terms:-

“Learned counsel for the petitioner has submitted that it is a dispute pertaining to a financial dispute. He submitted that the allegations in the FIR were that the petitioner had taken the services of the complainant for the purpose of shuttering and for that purpose he had been regularly paying the rent till the year 2017 and thereafter as per the allegations the rent was not paid and shuttering equipment was not returned. He submitted that at the most it can be termed as a civil dispute but in order to pressurise

the petitioner the present FIR has been lodged which on the face it is an abuse of the process of law which was the dispute of civil in nature if at all which has been given a criminal flavour.

He has further submitted that vide Annexure P-3, the complainant has already approached the Micro and Small Enterprises Facilitation Council for the purpose of appointment of arbitrator.”

Learned counsel for the petitioner submits that in compliance of the order dated 01.12.2022, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation, more so, since a cancellation report has been prepared, which is pending approval of the authorities concerned.

In the circumstances, the petition is allowed and the interim order dated 01.12.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 3, 2023
rps

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