

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-58811 of 2022(O&M)
Date of Decision: 03.05.2023

Sayed Zahid Ali Rizwi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. H.S. Grewal, Advocate
For the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

Mr. Ranjivan Singh, Advocate
For the complainant.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 14 dated 11.05.2022, registered under Sections 406, 420 and 120-B IPC at Police Station NRI, SAS Nagar (Mohali).

2. The counsel for the petitioner, *inter alia*, contends that the petitioner and his brothers are running a consultancy firm and the complainant engaged the said firm for the purpose of consultation, for which the firm took consultancy charges from the complainant. The counsel for the petitioner further submits that in case any deficiency is found in service provided by the firm of the petitioner, it amounts to civil liability and that on this very ground the petitioner and his brothers have filed petition bearing CRM-M-45409 of 2022 seeking quashing of FIR. The counsel for the petitioner further submits that the petitioner who is having no criminal

history has joined investigation and further brother of the petitioner has deposited amount of Rs.10,00,000/- in the court concerned in compliance of the directions given by this Court vide order dated 17.01.2023.

3. The present petition is contested by the counsel for complainant who submits that the petitioner and his two brothers took amount of approximately Rs.19,30,000/- with promise to supply petroleum products to the complainant and thereafter they failed to fulfill their promise and even the amount was not returned and the petitioner and his brothers committed fraud.

4. The State counsel, on instructions from ASI Raj Kumar, submits that the petitioner has joined the investigation and that his brother has deposited amount of Rs.10,00,000/- with the Court concerned.

5. I have considered the submissions made by counsel for the parties.

6. Apparently there appears to be dispute between the parties about the transactions worth Rs.19,30,000/-. It is a matter of evidence as to whether the firm run by petitioner and his brothers was engaged only for the purpose of consultancy or there was some contract on behalf of the firm run by the petitioner and his brothers to supply certain petroleum products to the complainant against valuable consideration. Admittedly, the brother of petitioner, who is also accused, has already deposited amount of Rs.10,00,000/- with the Court concerned. Further, the petitioner has joined investigation with the police by virtue of the order of interim bail dated 10.01.2023. This being so, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this point of time.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and interim order dated 16.12.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

03.05.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No