

CRN-PBBT01-012171-2019.
CIS No.3069 of 2019.

Robert Cclifford Lima vs. State of Punjab

Present: Sh.B.S.Dhalla, Adv.counsel for applicant.
Sh.Daljit Sharma, Addl.PP for the State assisted by
Sh.H.S.Khosa, Advocate.

1. This order of mine shall dispose of first bail application u/s 438 Cr.P.C. filed by applicant in FIR No.80 dated 23.04.2019, u/s 379, 420, 506 IPC, PS Raman, District Bathinda.

2. Ld.Counsel for the applicant has submitted that this case was registered against the applicant alongwith Joan Melina Lima (Director) and Clifford Francis Lima (Director) Koins Industrial Service Pvt.Ltd. for having cheated him. As per the version of the complainant, complainant citrus Infotec pvt. Ltd. was engaged in the lifting and shifting work and cranes and trailers were sought from complainant by Koins Industrial services pvt. Ltd.and bill of Rs.2278660/- was sent by complainant to M/s Koins Industrial Services Pvt.Ltd., who paid a sum of Rs.856350 but failed to pay the remaining amount alongwith interest, rather some goods like safety belts, shilling etc.which were to be returned and was worth Rs.2 lacs, were also not returned rather were forcibly taken away. Applicant is ready to pay remaining amount of Rs.5.5 lacs subject to submission of the log book of the alleged crane work. The incident took place in July, 2014 but the case has been registered after a delay of more than 4 years 09 months. Nothing is to be recovered from the applicant. Applicant had during the course of investigation sent letters with details of the entire document, but police did not consider. The present case is recovery of the amount due and the amount due is only Rs.5.5 lac s as out of remaining sum of Rs.13,07,500/- received

Rs.4.5 lacs, Rs.37,500/-, Rs.50,000/-, Rs.60,000/-, Rs.70,000/-, Rs.40,000/- and Rs.50,000/- has been paid on different dates and only balance of Rs.5.5 lacs is due. He has prayed for the acceptance of bail application.

3. On the other hand, ld.Addl.PP for the State as well as counsel assisting the prosecution has opposed this bail application alleging that out of the amount of Rs.2278660/-, only amount of Rs.856350/- had been paid and remaining amount is still payable. They have prayed for the dismissal of the bail application.

4. I have considered the submissions made by ld.counsel for applicant as well as Addl.PP for the State.

5. Perusal of the file reveals that the instant case was registered on the basis of application filed by complainant i.e. M/s Citrus Infotech Pvt. Ltd. against the present applicant and Joan Melina Lima (Director) and Clifford Francis Lima (Director) Koins Industrial Service Pvt.Ltd. for having failed to pay the total amount of the bill dated 23.9.2014 to the tune of Rs.22,78,660/- qua the cranes and trailers supplied to Clip Industrial Services Pvt. Ltd. and also for having misappropriated the attachments supplied with the lifting material worth Rs.2 lacs.

6. This case was registered in the year 2019. Applicant claims to have paid a sum of Rs.4.5 lacs, Rs.37,500/-, Rs.50,000/-, Rs.60,000/-, Rs.70,000/-, Rs.40,000/- and Rs.50,000/- and he claims that only Rs.5.5 lacs remains due which he is still ready to pay subject to the submission of log book of the crane work. However, the prosecution alleges that a sum of Rs.13,07,500/- is due against the applicant. The present case relates to the purchase order of the year 2014 and it is more of a civil nature as it relates to

the payment of the amount disputed by the parties. So, I find that custodial interrogation of applicant is not required. Hence, applicant is directed to join investigation with the Investigating Officer within 2 days from today and to cooperate in it. In that eventuality, he will be released on interim bail by the arresting officer on furnishing of bail bonds to his satisfaction. Applicant shall comply with the conditions under section 438 (2) Cr.P.C. Copy of this order be sent to the concerned quarter. Report of Investigating Officer, joining of investigation by the accused, be also submitted on **18.10.2019**.

Pronounced in Open Court:
Dt.15.10.2019.

(Sanjeeta)
Addl. Sessions Judge,
Bathinda(UID: PB0177).

Kulwinder Singh,
Stenographer (Grade-II).