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IN THE COURT OF ARUN GUPTA,
SESSIONS JUDGE, FATEHGARH SAHIB
(UID No.PB0061)

1. CIS No: BA-172-2025
CNR No: PBFG010006132025
Decided on: 28.02.2025

Hardev Singh aged about 49 years son of Surmukh Singh, resident of village Goh, Tehsil Khanna, District Ludhiana.

.....Accused/Applicant

Versus

State of Punjab

.....Respondent

2. CIS No: BA-173-2025
CNR No: PBFG010006142025
Decided on: 28.02.2025

Manoj Kumar Hasija aged about 43 years son of Baldev Krishan Hasija, resident of H.No.343, Yasodha Nagar, Sector 25-C, Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib. C

.....Accused/Applicant

Versus

State of Punjab

.....Respondent

FIR No.33 dated 17.02.2025
U/s 406, 420, 120-B of IPC,
Police Station Mandi Gobindgarh

Applications for grant of anticipatory bail

Present: Sh.Rajesh Jallu Advocate counsel for the accused/applicants.
Sh.KS Bajwa, Public Prosecutor for the State.
Sh.G.S. Ghuman Advocate, counsel for the complainant.

ORDER

1. This order of mine shall dispose of two bail applications for grant of anticipatory bail moved by the accused/applicants Hardev Singh and Manoj Kumar Hasija being arising out of one and same FIR no.33 dated 17.02.2025 registered under sections 406, 420 read with 120-B of IPC at Police Station Mandi Gobindgarh.
2. Record of police investigation is received and perused.
3. Heard.
4. The present case was registered on the basis of complaint made by Kamaldeep Singh Bajwa son of Gurwant Singh on the allegations that he used to sell his produce to Baldev Krishan and Manoj Hasija. In the year 2023-24 he had sold his wheat crop to them for Rs.6,01,056/- but they did not give him the said amount, whereas as per policy of Government the entire sale produce amount of agriculturist is to be credited in the account within 24 hours. He moved application before Deputy Commissioner, Fatehgarh Sahib. The said application was marked to SDM, Amloh, who submitted his report on 12.01.2024 but said SDM did not conduct fair inquiry. He requested for conducting fair inquiry. Inquiry on the said application was conducted by DSP, Fatehgarh Sahib

(3)

and he opined that the dispute between the parties is of civil in nature. Thereafter complainant moved another application for got conducting the inquiry from the SP rank officer. The SSP, Fatehgarh Sahib sought comments from the S.P.(Investigation), Fatehgarh Sahib and he submitted his report that complainant sold his crop produce in the year 2023 to the accused party but accused party did not give amount to the complainant as there was balance amount of Rs.5,00,000/- of the accused and J form was not issued due to which the Government did not give the amount of produce and he recommended for registration of case for the offences under sections 406, 420 read with 120-B of IPC. On the basis of report of S.P (Investigation), Fatehgarh Sahib FIR was registered.

5. Sh.Rajesh Jallu Advocate, learned counsel for accused/applicants has argued that the accused/applicants have no concern with the alleged offence and have been falsely implicated in the present case. The accused/applicant Hardev Singh is working in the firm M/s B.K.Traders, Commission Agents, Grain Market, Mandi Gobindgarh. The complainant sold his agriculture produce with the said firm and used to take advance from time to time from the said firm and after adjusting the accounts as on 10.11.2020 the account between the complainant and B.K.Traders settled as nil. Thereafter on 17.11.2020, the complainant took Rs.3,00,000/- as advance from the said firm. The said amount was paid through cheque by the said firm and amount of said cheque was duly credited in the account of the complainant. He further argued that again on 19.10.2021, the

(4)

complainant took Rs.2,00,000/- more as an advance through cheque. It was settled that the complainant will pay interest on the said amount to the said firm. The complainant failed to make the said amount to said firm. The said firm M/s B.K.Traders through Baldev Krishan filed a civil suit for recovery of Rs.6,33,000/- in the court of learned Additional Civil Judge (Senior Division), Amloh in the month of July, 2023 against the complainant. The said civil suit is pending in the court of learned Civil Judge (Junior Division), Amloh. He further argued that previously complainant moved an application to the Deputy Commissioner, which was marked to SDM, Amloh and after conducting inquiry, the application of complainant was found to be false. Thereafter, complainant again moved false application before SSP, Fatehgarh Sahib in which the matter has been compromised between the parties. As per compromise, the complainant was to return the amount of said firm alongwith interest and it was also settled that he will withdraw his complaint filed before SSP, Fatehgarh Sahib. The said compromise was effected in the presence of respectables. However, no document was reduced into writing. After the compromise, the complainant returned Rs.5,85,000/- being part amount to the said firm through RTGS i.e. Rs.3,00,000/- on 13.11.2024 and Rs.2,85,000/- on 21.11.2024. The said amount was duly entered in the account books of said firm. The complainant after admitting the liability returned the said amount. He further argued that accused/applicant Manoj Kumar Hasija is running his separate firm under the name and style of M/s

(5)

Hasija Trader and after compromise, the complainant also sold his paddy crop on 09.11.2024 and on 13.11.2024 through the agency of accused/applicant Manoj Kumar Hasjia. The price of said produce was directly made by the Government through bank in the account of the complainant. Therefore, the matter has already been settled but after settlement, the complainant had not made the statement to withdraw the application which was pending before SSP and with ulterior motive got registered the present FIR. The complainant has not sold the alleged crop in April, 2023 with B.K.Traders or Hasija Traders. Nothing of the complainant was due. The FIR has been got registered by the complainant by using his influence. No recovery is to be effected from the accused/applicants. He further argued that the dispute between the parties is of civil in nature and it was given the colour of criminal offence. He prays for allowing the bail applications.

6. Sh.K.S.Bajwa, Learned Public Prosecutor and Sh.G.S. Ghuman Advocate, learned counsel for the complainant have argued that allegations against the accused/applicants are serious. The accused/applicants have not returned the money to the complainant. They further argued that Superintendent of Police, Fatehgarh Sahib who has conducted the inquiry come to the conclusion that a case is made out against the accused/applicants. They argued that custodial interrogation of the accused/applicants is required to know the exact sequence of events. Therefore, they pray for dismissal of the bail applications.

(Arun Gupta)
Sessions Judge,
Fatehgarh Sahib
(UID PB-0061)

7. After considering the rival contentions, it transpires that there were business relations between the complainant and the accused/applicants. The complainant used to sell his crop to two firms of the accused/applicants and non-applicants. The complainant took the money from the accused/applicants. The accused/applicants have already returned the money as argued by Sh.Rajesh Jallu Advocate, learned counsel for the accused/applicants. The question whether the complainant is entitled for any amount cannot be decided in a criminal litigation. The only remedy available for the complainant is to file a suit for recovery. Therefore, no useful purpose will be served by sending the applicants/accused in custody. Therefore, this court is of the considered opinion that a case is made out in favour of the accused-applicants. Therefore, the bail applications moved by accused-applicants are allowed. The accused-applicants are directed to present themselves as and when called by the police. They are also directed to remain bound by the provisions of Section 438(2) of Code of Criminal Procedure and 483 (2) of Bharatiya Nagarik Suraksha Sanhita, 2023. Police record be returned. Copy of the same be also annexed in the connected bail application. File be consigned to record room.

Dated: 28.02.2025

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(Arun Gupta)
Sessions Judge,
Fatehgarh Sahib.
UID-PB-0061

(Arun Gupta)
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(UID PB-0061)