

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

**CRM-M-11250 of 2015
Date of decision : 06.07.2015**

Baldev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Dr. Anmol Rattan Sidhu. Sr.Advocate
with Mr. Rajesh Narang, Advocate
for the petitioner.

Mr. Jashanpreet, AAG, Punjab.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed by petitioner Baldev Sigh under Section 438 Cr.P.C for grant of the anticipatory bail in case FIR No. 37 dated 26.03.1015, under Sections 406, 420, 120-B of Indian Penal Code, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.
2. As per the prosecution allegations, the petitioner has mortgaged the land owned by complainant with the

bank and obtained a loan of Rs. 12 lacs.

3. On the last date of hearing, the following order was passed:-

“Learned counsel for the petitioner pleads that as per the compromise, the petitioner was given 1/7th share in the family property. He contended that the loan taken by the petitioner has already been repaid. The bank has issued the letter dated 25.3.2015 and even the mortgaged property has been redeemed. Thus, no loss has been caused to the complainant.

Notice of motion for 6.7.2015.

Meanwhile, in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however join the investigation as and when called for and he will also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

4. Learned State counsel on the instructions of HC Baljinder Singh, Police Station Fatehgarh Sahib has stated that the petitioner has already joined the investigation and has been sufficiently interrogated. He is not required for any custodial interrogation. Copy of the letter issued by the State Bank of Patiala, Guru Ki Nagri, Branch Mandi Gobindgarh has been placed on record, which shows that the whole amount of loan has been paid back and nothing is

due in the said loan amount. So, the encumbrance created by the petitioner has already been cleared. He has already joined the investigation. So, his detention will not serve any purpose.

So, the present petition is hereby allowed and the order of interim anticipatory bail dated 08.04.2015 is hereby made absolute subject to the conditions as provided under Section 438(2) Code of Criminal Procedure,1973.

06.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**