

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

**Crl. Misc. No.M-12731of 2015 (O&M)
Date of Decision: April 28, 2015.**

Jagtar Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S Walia, Advocate
for the petitioner

SURINDER GUPTA, J.(Oral)

Notice of motion.

On the asking of the Court Mr. Yogesh Gupta, AAG, Punjab accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Heard.

The learned counsel for the petitioner submits that as per the allegations in the FIR, Major Singh had taken a loan of Rs. 17 lacs from the complainant-bank for purchase of a vehicle and in order to defraud the bank, made a false complaint that the vehicle had been stolen and later on produced scrap of some other vehicle. The petitioner Jagtar Singh was guarantor of Major Singh and there is no allegation in the FIR that he

was party with Major Singh to forge any document or in defrauding the bank. The only allegation levelled against him is that the bank demanded the loan amount from Major Singh as well as the petitioner. It has also been submitted that to recover the loan amount civil proceedings have been initiated by the bank against Major Singh and the petitioner.

The petitioner was arrested in this case on 25.3.2015 and is in judicial custody. The matter is still at the stage of investigation. Learned AAG, Punjab could not refute the above submission of learned counsel for petitioner.

Keeping in view the facts and circumstances, the present petition is allowed. Petitioner Jagtar Singh is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of Illaqa Magistrate /Chief Judicial Magistrate/Duty Magistrate, Ludhiana subject to following terms:-

- a. The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

c. He shall not leave the country without the previous permission of the Court.

April 28 , 2015.
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(SURINDER GUPTA)
JUDGE