

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

(218)

CRM-M-37644-2015

Decided on: November 17, 2015.

Naveen Kumar Thakur

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.S. Randhawa, Advocate, for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

This is a petition for grant of regular bail in a case registered at the instance of Chief Manager, Syndicate Bank alleging that co-accused of the petitioner borrowed a loan of Rs.1.50 lacs by offering immovable property for mortgage as collateral security. So far as petitioner is concerned, he in the capacity as an Advocate on panel of the Bank has allegedly submitted a false report to the Bank indicating that the property was free from all encumbrances whereas the property had already been sold to some other person by Om Parkash, its owner.

Learned counsel for the petitioner submits that the petitioner as an Advocate has given the opinion that the original sale deeds should be produced by the Bank before releasing any amount as per the opinion Annexure P-3.

Perusal of the police file indicates that though Om Parkash had produced the original sale deed dated 31.01.2013 but as a matter of fact the said property had been sold by him on 31.07.2013 to play fraud with the Bank. It is an admitted fact that the investigating agency has not been able to nab Om Parkash or indict any official of the Bank, till date.

The petitioner has been in custody w.e.f. 08.10.2015. No recovery is to be effected from the petitioner. He cannot be kept in custody as a measure of penalty for his professional negligence.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Sonapat.

(M.M.S. BEDI)
JUDGE

November 17, 2015
harsha