

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

**CRM-M No. 42084 of 2014 (O&M)
Date of decision: 07.08.2015.**

Ashwani Kumari Gandhi

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Rohit Dheer, Advocate, for the petitioner.

Mr. K.S. Pannu, DAG, Punjab, for respondent No. 1.

Mr. I.P.S. Doabia, Advocate, for respondent No. 2.

Mr. Deepak Bhardwaj, Advocate, for the applicant.

NAVITA SINGH, J. (ORAL)

CRM No. 25225 of 2015

Heard. For the reasons set out in the application and the accompanying affidavit, the application is allowed and exemption from filing certified copy of Annexure A-1 is granted and permission for placing on record true translated copy thereof is granted.

CRM No. 25226 of 2015

Applicant – Surjeet Singh, who had purchased the property from the petitioner, has filed this application for impleading him as a party because without disclosing that the property had been sold to him, the petitioner obtained loan from respondent No. 2, i.e. State Bank of India. The bank had wanted to make recovery from the property of which the applicant claims to be the bona fide purchaser for valuable consideration

without notice of any transaction between the petitioner and the bank.

The interest of the applicant is the same as is of the bank and the State because the State would also make all possible effort to bring the truth to light and make the petitioner to join investigation and not to leave the country etc. The applicant is not the complainant nor is a necessary party for any reason.

Dismissed.

CRM-M No. 42084 of 2014

This petition has been moved by the petitioner under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No. 184 dated 28.12.2013, under Section 420 of the Indian Penal Code of Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar.

On 24.03.2015, it was submitted on behalf of the petitioner that the latter would go to the bank and make certain payments and he be also allowed to pay the entire amount and instalments. It was directed that the petitioner would visit the bank on 04.04.2015 with some respectable amount to be paid initially and then make a request to the bank for converting the remaining amount into instalments.

As per counsel for respondent No. 2, the petitioner paid only an amount of Rs.2,00,000/- (Two lac) after that, i.e. Rs.1,00,000/- on 08.04.2015 and Rs.1,00,000/- on 13.07.2015.

The petitioner has flouted the direction of the Court which was that he would visit the bank on 04.04.2015. A specific date was fixed by this Court for the petitioner, but still the petitioner visited the bank four days later with a meager amount of Rs.1,00,000/- making a mockery of the

order passed by this Court where the words 'respectable amount' were used.

Over a period of four months only an amount of Rs.2,00,000/- has been paid and that too in two parts.

In the given facts and circumstances, request of the petitioner to allow him to pay the remaining amount in instalments is not at all justified. Also, this is not a civil suit where the Court should deliberate and get a settlement made between the parties. This is a petition filed by the petitioner under Section 438 of the Code of Criminal Procedure, who obtained loan by mortgaging the property which he had already sold to Surjeet Singh.

In view of the above, no ground for grant of anticipatory bail is made out.

Dismissed.

(NAVITA SINGH)
JUDGE

07.08.2015

Ramesh