

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM No.M-5693 of 2014  
Date of Decision:- 12.02.2015

Prem Chand

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Sandeep Singh, Advocate, for the petitioner.

Mr. Naveen Sheoran, D.A.G., Haryana  
for the State.

Mr. Harish Kumar Sharma, Advocate, for the SBI.

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MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a case registered against him along with his other co-accused, vide FIR No.301 dated 19.10.2013, on accusation of having committed the offences punishable under Sections 406 and 420 read with Section 120-B IPC, by the police of Police Station Naraingarh, District Ambala.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.
4. During the course of preliminary hearing, the following

order was passed by a Co-ordinate Bench of this Court (Rekha Mittal, J.) on February 17, 2014: -

*“The petitioner prays for grant of bail in anticipation of arrest in FIR No. 301 dated 19.10.2013, registered for offence punishable under Sections 406, 420 and 120-B of the Indian Penal code, at Police Station Naraingarh, District Ambala.*

*Counsel for the petitioner, inter alia, contends that the petitioner obtained a loan of Rs.2.5 lacs and created mortgage in regard to land, measuring 30 kanals, including 11 kanals and 12 marlas, claimed to be purchased by the father-in-law of Anita Rani complainant, vide sale deed executed in the year 2001. It is further submitted that the sale deed propounded by the complainant is the subject matter of the civil litigation pending between the parties as Anita Rani and others, have preferred a suit for declaration on the basis of said sale, which is being denied by the present petitioner. It is further submitted that at present, the outstanding liability towards the Bank is more than Rs.4.00 lacs and the petitioner is ready to discharge the said liability within a period of three months. It is further argued that the case is based upon documents and the petitioner is ready to join investigation and cooperate throughout.*

*Notice of motion for 07.04.2014.*

*In the meantime, the petitioner is directed to join investigation within seven days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-*

- (i) he shall make himself available for interrogation by a police officer as and when required;*
- (ii) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- (iii) he shall not leave India without the previous permission of the Court.”*

5. At the very outset, on instructions from ASI Ramesh Kumar, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case.

Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time. The dispute appears to be purely of a civil nature.

6. Not only that, the learned counsel for the parties are *ad idem* that the petitioner has already paid the impugned amount of loan and discharged his liability, which is clear from the letter No.RA 381 dated 30.12.2014.

7. In the light of aforesaid reasons and taking into consideration the totality of peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this Court.

February 12, 2015  
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(MEHINDER SINGH SULLAR)  
JUDGE