

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

CRM-M-8193-2015

Date of decision : 24.04.2015

Anil Kumar

.....Petitioner(s)

versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Salil Bali, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, Asst. A.G. Punjab.

--

ANITA CHAUDHRY, J(ORAL)

Through the instant petition, the petitioner is seeking anticipatory bail in FIR No.20 dated 13.02.2015, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, Police Station Cantt. Ferozepur, District Ferozepur.

The factual score first. Amritbir Singh owned some land in village Asal Uttarh. He wanted to sell his property and contacted the dealers. He learnt that his land could not be sold because some part of the property was mortgaged with a bank. The complainant applied for copy of the Jamabandi and learnt that his land was mortgaged with HDFC Bank in Faridkot for a sum of Rs.16,50,000/-. The mortgagee's name was mentioned as Amritbir Singh s/o Avtar Singh s/o Jeon and a voter identity card has also been appended. The complainant had not mortgaged the land, therefore, he got a case registered. Inquiries were held and few months later FIR was registered.

Heard.

Learned counsel for the petitioner contends that the main accused is Dara Singh and with the help of an old official of HDFC Bank loan had been taken and the amount had gone in the account of Jaswant Singh who impersonated as Amritbir Singh and the petitioner was not a beneficiary and none of the documents contained his writing or signatures and he has already joined the investigation.

The petitioner has joined the investigation. It is conceded by the State counsel that the only allegations against the petitioner are that he was present at the time the mortgage was taken. No other role has been ascribed to him.

Looking to the circumstances, but without commenting on the merits of the case, the petition is allowed and order dated 19.03.2015 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

(ANITA CHAUDHRY)
JUDGE

24.04.2015
Sunil