

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

Date of decision : August 03, 2016

1. CRM-M No.15582 of 2016

Sandeep Kumar vs State of Haryana

2. CRM-M No.18937 of 2016

Devi Lal vs State of Haryana

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Pankaj Bali, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. AG Haryana

Ajay Tewari, J (Oral)

This order shall dispose of both the petitions since they arise from the same FIR.

The petitioners seek grant of anticipatory bail in case FIR No.145, dated 15.2.2016, registered under Sections 406, 420 of the IPC, at Police Station Civil Lines, Karnal.

As per the allegations in the FIR, a loan was obtained in the

name of petitioner-Devi Lal for purchase of a vehicle. After getting the

loan, vehicle was purchased but it was not hypothecated in favour of the lender and was subsequently sold after paying only six installments.

As regards the petitioner-Sandeep Kumar, the only allegation against him is that he accompanied Devi Lal when Devi Lal went to get loan and got encashed a self cheque issued by the complainant for the loan account. The petitioner was granted interim bail by this Court on 6.5.2016 and he is stated to have joined the investigation.

Learned Addl. AG Haryana, on instructions from ASI Ishwar Singh, states that he has not given his sample handwriting so that the same can be compared with the signatures on the cheque.

Counsel for the petitioner undertakes that the petitioner shall appear before the Investigating Officer on 10.8.2016 or on any other day on which the Investigating Officer requires his presence, and shall give his sample handwriting. On his doing so, the interim order dated 6.5.2016 is made absolute subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C. This petition qua petitioner-Sandeep Kumar is allowed.

As regards petitioner-Devi Lal, the case is totally different. Admittedly, he was to get the vehicle hypothecated in favour of the lender but instead of doing so, he sold the vehicle without repaying the

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entire loan amount. In these circumstances, I do not deem it appropriate to grant the concession of anticipatory bail to the petitioner. Resultantly, this petition qua him is dismissed.

August 03, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No