

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

CRM-M- 35762 of 2016 (O&M)

Date of decision: 30.11.2016

Devender and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Khatri, Advocate for the petitioners.

Mr. Naveen Kaushik, Addl. A.G., Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.283, dated 14.05.2016, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC, at Police Station Civil Lines Hisar, District Hisar.

It is contended that father of the petitioners was the owner of the property in question. The property was sold in favour of the complainant on 14.02.2012 and the complainant is still owner in possession of the property. The petitioners have not committed any offence as alleged in the FIR and they have been falsely implicated in the present FIR.

On the other hand, the learned State counsel opposes the bail application and states that father of the petitioners was the original owner of the property who sold the same to the complainant on 14.02.2012, whereas the loan in question was secured by the petitioners in the year 2013, knowing fully well that neither the petitioners nor their father were the owners of the property at the time of securing the loan. However, the learned State counsel is unable to justify the fact that how in the absence of the documents, the loan was sanctioned by the concerned bank in favour of the petitioners.

Heard.

Keeping in view the fact that the petitioners knowing fully well that neither they nor their father were owners of the property had allegedly obtained the loan by fraud, this Court feels that it is a fit case where custodial interrogation of the petitioners is required to know their modus operandi. Therefore, no case for anticipatory bail is made out, at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

30.11.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No