IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No.M-3861 of 2016 (O&M)

Date of decision:23.02.2016

Rajinder Singh & another ... *Petitioners*

vs.

State of Punjab ... *Respondent*

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vikas Arora, Advocate for the petitioners.

Mr. D.S. Virk, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.(ORAL).

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.310 dated 14.09.2015, under Sections 420/467/468/471/120-B IPC, registered at Police Station Civil Lines, Amritsar.

Counsel for the parties have been heard at length and the pleadings on record have been perused.

In the nutshell, accusations against the present petitioners are with regard to having sold immovable property to the wife of the complainant and by keeping the purchaser in dark with regard to loans having been availed of from Central Bank of India, Muktsar and without even obtaining NOC from the bank.

It is the contention raised by the counsel for the petitioner that three different loans had been obtained by the petitioners and out of which two were car loans and which have no concern with the property in question. It has been argued that it is the fault of the bank which has clubbed the two car loans along with the housing loan that had been obtained by the petitioners on the property.

Even if that be the case, the petitioners were under a bounden duty to bring to the notice of the purchaser as regards there being outstanding loan amounts on the property.

Perusal of the order dated 07.01.2016 passed by the learned Additional Sessions Judge, Amritsar declining the concession of anticipatory bail to the petitioners would reveal that the complainant as also his wife were aware of only one loan transaction i.e. the housing loan and for which they had agreed to repay a sum of Rs.1 lac approximately. It so transpires that now the bank i.e. the Central Bank of India is raising a demand of more than Rs.8 lacs from the complainant. Clearly, such demand pertains and is in relation to two car loans that the petitioners had availed of and for which the property in question had been mortgaged and which fact was kept back by the petitioners.

This Court does not find any infirmity in the order dated 07.01.2016 passed by the learned Additional Sessions Judge, Amritsar declining the concession of anticipatory bail.

Petition dismissed.

23.02.2016 **(TEJINDER SINGH DHINDSA)**
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