IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-14049 of 2017 (O&M)
Date of Decision: 08.05.2017

Jogender Singh --Petitioner

Versus

State of Haryana & another --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Divay Sarup, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Mr. Bhushan Bhatia, Advocate for respondent no.2.

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TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.0098 dated 19.1.2017 under sections 406, 420 I.P.C, registered at Police Station, Civil Lines, Hisar.

Counsel for the parties have been heard and even the police file has been perused.

It transpires that FIR came to be registered on the complaint of the Chief Manager of the Sarva Haryana Gramin Bank, Branch Office, Defence Colony, Hisar. Allegations are that the present petitioner had availed of a loan facility of Rs.9,90,000/- from the complainant bank for the purpose of purchasing a residential plot bearing no.822 measuring 220 sq. meters approximately situated in Sector 18, Urban Estate, Kaithal from one Smt. Krishna. On the strength of a purchase agreement, loan facility was applied for and the same was sanctioned and the loan amount was directly disbursed to the seller namely Smt. Krishna.

Specific allegations apart from the petitioner being a defaulter are that he had acted in a fraudulent manner inasmuch as rather than having the property mortgaged after getting prior permission from HUDA authorities and making the conveyance deed available to the complainant bank so as to secure the debt, he has sold the plot further to one Shiv Kumar. Prima facie such allegations are well founded upon perusal of the police file. In addition thereto there is also a second loan amount of Rs.2.5 lacs advanced in the year 2011 by the complainant bank for the purchase of a Tata vehicle. Against such loan amount the petitioner is stated to have deposited a sum of Rs.1 lac as margin money. Allegations are that even pertaining to such loan amount the petitioner is in complete default and even such money has been misappropriated.

In the considered view of this Court, it is not a simple case of a loan default at the hands of a loanee.

Allegations are serious in nature and are a pointer towards an intent to cheat from the very inception.

Nothing more is being observed lest it may prejudice the case of the petitioner.

In the totality of circumstances, this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.05.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No