

CRM-M-16283-2016

[1]

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

(Sr.No.273)

CRM-M-16283-2016

Date of Decision:-May 16, 2017

Vinod Kumar

.....Petitioner

V/S

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana.

Mr. Rahul Vats, Advocate,
for the complainant-Muthoot Fincorp Ltd.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties including the
counsel for the complainant-Muthoot Fincorp Ltd.

Learned counsel for the petitioner has handed over a demand
draft in the sum of ₹5.66 lacs today in Court which the counsel for the
complainant as well as the official of the Muthoot Fincorp Ltd. who is
present in Court has accepted.

Learned counsel for the complainant-Muthoot Fincorp Ltd.
submits that the company has lost the interest on the loan amount from
2013 till date and, therefore, the plea for anticipatory bail is registered. It
is the case of the complainant-Muthoot Fincorp Ltd that the petitioner
had obtained a loan by giving a security i.e. gold that was spurious and
was found ultimately after 2-3 months. Prima facie, in my opinion there

appears to be some lapse on the part of the complainant-Muthoot Fincorp Ltd. in not taking full care to find out whether the gold that was pledged was spurious or not. I think, the complainant-Muthoot Fincorp Ltd. has got some relief today by having demand draft of principal amount of loan i.e. ₹5.66 lacs. The complainant-Muthoot Fincorp Ltd is, therefore, granted liberty to take such steps as are available in law to recover the interest from the petitioner on the loan amount. However, since the petitioner has cleared the principle amount of loan of the complainant-Muthoot Fincorp Ltd., the interim order dated May 13, 2016 made by this Court granting anticipatory bail to the petitioner is made absolute.

Disposed of.

May 16, 2017

pankaj

(A.B. CHAUDHARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No