

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

CRM No.M-18713 of 2018 (O&M)

Date of Decision: July 24, 2018

Sumit Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Manhas, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Pavan Malik, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.1115 dated 23.11.2015 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar Gurugram, District Gurugram.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been registered against the petitioner along with co-accused Sanjay Kathuria etc.

As per the allegations, present petitioner took loan of ₹12 lakhs and created equitable mortgage of sale deed bearing Vasika No.5602 dated 01.06.2011 and still an amount of ₹11,55,408/- plus interest is outstanding. On enquiry, it was found that copy of mutation was not in favour of borrower and agreement to sell is without date and house is not in possession of the borrower. It was also found that seller again sold property, which is mortgaged with the bank, to others in whose name the mutation is there. It is the allegation that present borrower along with sureties and the then Manager, cheated and defrauded the bank.

From the record, I find that accused got prepared forged sale deed, took loan and defrauded the bank. The petitioner is the main accused and is named in the FIR.

Keeping in view the allegations against the petitioner and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that petitioner is required for custodial interrogation and no ground is made out for grant of benefit of anticipatory bail to the petitioner.

Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 24, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No