

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

CRM-M No.39739 of 2018

Date of Decision: 22.11.2018

Deepak Sharma @ Deepak Kumar

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vishal Munjal, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.102 dated 05.12.2015 registered under Sections 420, 465, 467, 468, 471 of Indian Penal Code (45 of 1860) at Police Station Shahpur Kandi, Tehsil and District Pathankot.

Learned counsel for the petitioner submits that the FIR, in question, was registered on the basis of secret information, whereas, the petitioner had obtained loan of Rs.10 lacs and out of said loan amount, he has already paid an amount of Rs.08,81,188/- and is also ready to pay the remaining amount. Learned counsel further submits that the property of the petitioner has been attached, whereas, the amount was paid regularly. Learned counsel also submits that the bank has not filed any complaint or lodged FIR against the petitioner, in case, any default is there. Petitioner is in custody since 26.04.2018 and nothing is to be recovered from him. No useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel has not disputed the custody period but she has opposed the bail of the petitioner on the ground of seriousness of

offence as he has played a fraud and cheating. Enquiry was conducted by the Vigilance Bureau but the loan was obtained in spite of the fact that the land was sold.

Heard the arguments of learned counsel for the parties and have also gone through the contents of the FIR as well as other documents available on the file.

Admittedly, the petitioner has repaid the loan amount and the bank has no grouse against the petitioner. The petitioner, just to show his *bona fide*, is ready to pay the remaining amount as mentioned above.

The allegations are matter of evidence which shall be tested by the trial Court.

Accordingly, by considering that the petitioner is in custody since 26.04.2018 and also that nothing is to be recovered from him as the investigation has already been completed and the offence is triable by the Magistrate, the present petition is allowed and petitioner, namely, Deepak Sharma @ Deepak Kumar is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court subject to his repayment of loan amount to the tune of Rs.08,81,188/- within a period of one month from today.

(DAYA CHAUDHARY)
JUDGE

22.11.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No