

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

CRM-M No. 38923 of 2017

DATE OF DECISION :- January 24, 2018

Mohan Lal Kalia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

This petition for regular bail has been filed by petitioner Mohan Lal Kalia, aged about 63 years, an accused in F.I.R. No. 298 dated 4.10.2011 for offences under Section 420/406/120B IPC registered with Police Station Zirakpur, District SAS Nagar on a complaint made by Arun Kumar Johri, Assistant General Manager, Allahabad Bank, Phase 9, Mohali; that accused Mohan Lal Kalia had raised a loan of Rs.7,30,000/- from the bank and executed various security documents including mortgage deed. However, without clearing the loan, he sold the mortgaged property to his wife/co-accused Surinder Kaur, in that way committing a fraud with the bank and said Surinder Kaur had executed two different agreements to sell the said property.

Accused was arrested in this case on 19.8.2017 and he is in custody. He had moved an application for regular bail which was, however,

dismissed by the Additional Sessions Judge, SAS Nagar, Mohali vide order dated 29.9.2017, as such he has approached this Court praying for grant of similar relief. The request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned State counsel on instructions from Mr. S.K. Gulati, Manager, Allahabad Bank, Phase 9, Mohali states that petitioner has since cleared all the dues of the bank and 'No objection certificate' has been issued to him. Copy of the same has been filed as Annexure P3. Copy of statement of account has been filed showing that all the dues have been cleared.

Considering this fact as well as age of the petitioner and that he is behind bars for more than five months and the trial is stated to be at initial stage which is likely to take considerable time for conclusion and the guilt of the petitioner shall be determined during the trial, without touching the merits of the case, the petition is accepted and the petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, SAS Nagar (Mohali) subject to the following conditions : -

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

January 24, 2018
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No