

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

CRM-M-4086-2018

Date of decision: 06.08.2018

Mukesh Goyal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Karan Singh, Advocate for
Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

On 22.02.2018, the following order was passed:

“This is 2nd petition for grant of anticipatory bail in FIR No.0052 dated 03.09.2016 under Sections 406, 420 IPC, registered at Police Station Mansa Devi Complex, Panchkula.

On 04.10.2017, when the first petition i.e. CRM-M-37123-2017 was filed, the petitioner had undertaken to deposit an amount of Rs.5 lacs within a period of three weeks and on giving such undertaking, his arrest was stayed. Later on, the petitioner had withdrawn the said petition on 21.12.2017 with liberty apply fresh as and when occasion arises.

The allegations against the petitioner are that the petitioner has obtained a loan of Rs.45 lacs as CC hypothecation limit by mortgaging his immovable property (a showroom), whose value was assessed by Satish Chander Chawla, Valuer and it was approved by the then Manager of Indian Overseas Bank. Later on, after the loan was sanctioned and disbursed to the petitioner, on re-verification of the property, it was found that the same is not existing and the FIR has been registered against the petitioner without investigating the role of the Valuer as well as the then Manager of the Bank.

Counsel for the petitioner has submitted that at the time of

applying the loan, the petitioner has submitted the jamabandi for the year 2007-08 and 2012-13 (Annexure P-6), in which the petitioner has been shown to be owner as co-sharer of some land, which was mortgaged with the bank on 13.07.2013 and there is an endorsement in the revenue record. Counsel for the petitioner has further submitted that once the endorsement of the equitable mortgage has been duly acknowledged in the revenue record, the allegation that the property in dispute is not in existence, is incorrect. It is also submitted that the petitioner is still ready to deposit an amount of Rs.5 lacs with the Indian Overseas Bank on or before 31.03.2018 with a rider that the same will be adjusted towards the outstanding loan amount/CC hypothecation limit.

Learned State counsel, on instructions from SI Mange Ram, has submitted that in fact the showroom is in existence at the spot, however, while applying for the loan, it was represented by the petitioner that the same is on the main road, whereas on re-verification, it was found to be at different location as per the report of Patwari.

List again on 18.04.2018.

In the meantime, arrest of the petitioner shall remain stayed subject to the following conditions: -

1. He shall make himself available for interrogation by a police officer as and when required;
2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
3. He shall not leave India without previous permission of the Court.

The Investigating Officer shall file an affidavit about the action taken against Satish Chander Chawla, Valuer, who has inspected and valued the property as well as the then Manager of Indian Overseas Bank concerned, who has verified the property.”

Learned State counsel, on instructions from SI Mange Ram, submits that in pursuance to the order dated 22.02.2018, the petitioner has

neither joined investigation nor has he handed over the draft of ₹5 Lakh to Indian Overseas Bank. Learned State counsel has also brought to the notice of this Court that later on, the time for depositing the said amount was extended on 18.04.2018 and thereafter on 28.05.2018, however, till date, the amount has not been deposited.

Since this is the second petition, filed by the petitioner, for grant of anticipatory bail and this Court, while granting interim bail to the petitioner, found that he has shown his willingness to settle the dispute amicably and to deposit an amount of ₹5 Lakh with the Indian Overseas Bank, however, the petitioner has not complied with the order dated 22.02.2018, despite having been granted two more opportunities.

Therefore, the instant petition is hereby dismissed.

August 06, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No